



An
Bord
Pleanála

Inspector's Report 306747-20

Development	Single-storey detached house
Location	82 Casement Drive and 2a Plunkett Road, Finglas, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4572/19
Applicant(s)	Stephen Kavanagh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Stephen Kavanagh
Observer(s)	None
Date of Site Inspection	14 th May 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site is a corner site with a stated area of 84 m² which is located between No. 2A Plunkett Road and No. 82 Casement Drive, Finglas, Dublin 11. The site is surrounded by a blockwork wall on all sides. The vehicular entrance is at the western boundary fronting onto Plunkett Road. The site is unevenly surfaced and was being used to store cars at the time of the inspection.
- 1.2. The neighbouring development to the north at No. 2A Plunkett Road is a two-storey end-of-terrace dwelling. The blank gable elevation of this dwelling fronts onto the subject site. The neighbouring dwelling to the east at No. 82 Casement Drive is also a two-storey end-of-terrace dwelling, which has a small window at the first-floor gable elevation fronting onto the subject site.

2.0 Proposed Development

- 2.1. The proposed development comprises a single-storey, one-bedroom detached dwelling, connection to services, the use of the existing site entrance, the reduction of the height of the front boundary wall to 900 mm and all associated site works.
- 2.2. The proposed dwelling is orientated towards Plunkett Road and projects forward of the front building line of the neighbouring properties at No. 2A Plunkett Road and No. 82 Casement Drive. The dwelling has an overall height of 5.45 m, with a floor area of 55 m² and accommodates an open plan sitting room/kitchen, a wet room and 1 no. single bedroom.
- 2.3. Two no. off-street, car parking spaces are proposed to the front of the dwelling, with irregularly shaped private open space extending around the rear and side.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission for 1 no. reason issued on 31st January 2020. Planning permission was refused on the basis that the proposed dwelling would be visually obtrusive on a prominent corner site as it would project substantially forward of the building lines along Casement Drive and Plunkett Road.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Basis of the Planning Authority's decision.

3.2.3. Dublin City Council's Planning Officer considered that the proposed development would be visually obtrusive within the streetscape, would detract from the visual amenities of the area and would be contrary to the provisions of Section 16.10.9 of the development plan, which require developments on corner/side garden sites to have regard to existing building lines, as well as the character of the area.

3.2.4. Concerns were noted in relation to potential overlooking from the first-floor window to the side of No. 82 Casement Drive. It was also noted that the proposed single bedroom does not comply with the minimum dimensions set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities.

3.2.5. **Other Technical Reports**

3.2.6. **Transportation Planning Division:** No objection subject to conditions.

3.2.7. **Engineering Department Drainage Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3079/19:** Planning permission refused on 17th July 2019 for a single-storey detached house on the subject site on the basis that it would be visually obtrusive on a prominent corner site, substantially forward of the building lines on Plunkett Road and Casement Drive.

4.2. The development which was proposed under this application is identical to that proposed under the current appeal case.

4.3. Enforcement

4.4. **E0059/19:** Site beside 2A Plunkett Road – wall exceeding 1.2 m in height.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods), which has the objective “to protect, provide and improve residential amenities”.

5.2.2. Residential land uses are permissible under this zoning objective.

5.3. Housing Policy

5.3.1. The housing policies of Dublin City Council are contained within Chapter 5 of the development plan. Those policies which are directly relevant to this appeal case are identified below.

5.3.2. **Policy QH1:** To have regard to the DEHLG Guidelines on ‘*Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*’ (2007), ‘*Delivering Homes Sustaining Communities – Statement on Housing Policy*’ (2007), ‘*Sustainable Urban Housing: Design Standards for New Apartments*’ (2015) and ‘*Sustainable Residential Development in Urban Areas*’ and the accompanying ‘*Urban Design Manual: A Best Practice Guide*’ (2009).

5.3.3. The *Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007) identify a target gross floor area of 44 m² for a 1-bedroom/2-person, 1-storey house, with the following minimum internal room dimensions:

- **Min. main living room:** 11 m²
- **Aggregate living area:** 23 m²
- **Aggregate bedroom area:** 11 m²
- **Storage:** 2 m²

- 5.3.4. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.3.5. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- 5.3.6. **Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- 5.3.7. **Corner/Side Garden Sites:** Such development can make valuable additions to the residential building stock of an area and will generally be allowed on suitable larger sites. The Planning Authority will have regard to the following criteria in assessing such proposals:
- The character of the street;
 - Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings;
 - Impact on the residential amenities of adjoining sites;
 - Open space standards and refuse standards for both existing and proposed dwellings;
 - The provision of appropriate car parking facilities, and a safe means of access to and egress from the site;
 - The provision of landscaping and boundary treatments which are in keeping with other properties in the area;
 - The maintenance of the front and side building lines, where appropriate.
- 5.3.8. **Infill Housing:** In general, infill housing should comply with all relevant development plan standards for residential development. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of

ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

5.3.9. Infill housing should:

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

5.3.10. **Private Open Space:** A minimum standard of 10 m² of private open space per bedspace will normally be applied, with up to 60-70 m² of rear garden area sufficient for houses in the city.

5.3.11. **Car Parking:** The site is in Area 3 of the city, within which a maximum standard of 1.5 car parking spaces applies.

5.4. **National Planning Framework (NPF)**

5.4.1. The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

5.4.2. **National Policy Objective 3b** seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.5. **Natural Heritage Designations**

5.5.1. None.

5.6. **EIA Screening**

5.6.1. Having regard to the nature and scale of the proposed development, comprising 1 no. residential dwelling in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged on behalf of the applicant by HSB Architects, the grounds of which can be summarised as follows:

- The applicant wishes to remain living close to his family connections in this area;
- The proposal is a good use of a vacant site which has previously been used for dumping;
- Many corner sites have been developed in the area which are more intrusive than the current proposal;
- No third-party objections have been raised in relation to the proposed development;
- No sight lines will be obstructed on foot of the proposed development.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Configuration of the Proposed Development / Visual Impact
- Standard of Accommodation
- Overlooking
- Appropriate Assessment

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

7.3. Configuration of the Proposed Development / Visual Impact

- 7.3.1. Dublin City Council's Notification of the Decision to Refuse Planning Permission states that the proposed development would be visually obtrusive on a prominent corner site, as it would project substantially forward of the building lines along Casement Drive and Plunkett Road. As such, it was considered that the proposed development would set an undesirable precedent for development in the area and would be contrary to Section 16.10.9 of the development plan in relation to corner/side garden sites.
- 7.3.2. The criteria which will be used in assessing development proposals on such sites include, inter alia, the character of the street, compatibility of design and scale with adjoining dwellings and the maintenance of front and side building lines, where appropriate. In considering the foregoing, I note that the proposed dwelling is positioned forward of the front building lines of the neighbouring properties at No. 2A Plunkett Road and No. 82 Casement Drive by approx. 4.2 m and 4.8 m respectively.
- 7.3.3. I acknowledge that national and local planning policy seeks to facilitate the development of appropriate infill sites to ensure the most efficient use of zoned urban land and to increase the supply of residential accommodation. However, in this instance, I consider that the proposed development would have a negative impact on the character of the streetscape, arising from the restricted and irregularly shaped nature of the site and the resulting orientation of the proposed dwelling relative to the adjoining two-storey terraces to the north and east.
- 7.3.4. While the applicant's agent has included photographs of other infill developments on corner sites in the vicinity, I note that these generally relate to two-storey dwellings which maintained at least one existing building line and which more closely reflected the character of the existing neighbouring developments. As such, I do not consider that the infill developments which have been identified are appropriate precedents for the purposes of this appeal case.
- 7.3.5. In my opinion, the proposed development would comprise an incongruous addition to the streetscape at this location, which would not comply with development plan policy in relation to corner/side garden sites. As such, I consider that planning permission should be refused in this instance.

7.4. Standard of Accommodation

- 7.4.1. The *Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007) identify target gross floor areas and typical room sizes for standard dwellings. A target gross floor area of 44 m² is identified for a 1-storey, 1-bedroom/2-person house, which is the smallest unit size identified.
- 7.4.2. While the proposed dwelling has an overall floor area of 55 m², it accommodates a single bedroom only, which has a floor area of approximately 8.8 m². This room has an L-shaped configuration, with limited circulation space around the bedroom furniture as illustrated on application Drawing No. 2010-G1. I further note that a segregated storage room has not been provided for within the bedroom as illustrated.
- 7.4.3. In my opinion, a target bedroom area of 11 m² to accommodate 2 no. people within a 1-bedroom/1-storey dwelling as set out in the *Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007) is a reasonable minimum standard of accommodation. As such, I consider that the proposed single bedroom would represent a substandard form of accommodation in this instance.

7.5. Overlooking

- 7.5.1. Dublin City Council's Planning Officer expressed concerns in relation to potential overlooking of the rear amenity space of the proposed dwelling from the first-floor window on the gable elevation of No. 82 Casement Drive.
- 7.5.2. In my opinion, no significant overlooking would occur in this instance, given the limited size of the window and its position on a secondary elevation of the neighbouring property.

7.6. Appropriate Assessment

- 7.6.1. Given that the development is proposed to be connected to the public water supply and drainage networks, and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development

would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused in this instance for the reason set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development, by reason of its layout relative to the building line of the neighbouring properties, would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

8th June 2020