



An
Bord
Pleanála

Inspector's Report

ABP-306855-20

Development

Conversion of an existing single storey structure into a two bed mews dwelling with one reception room; kitchen/dining area; bathroom; rear garden with all associated site works; existing structure will be given a new pitched roof; parking will utilise the existing three spaces off Brideswell Lane.

Location

99 Boot Road, Clondalkin, Dublin 22.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD19A/0385

Applicant(s)

Martina Lennon

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Date of Site Inspection

19/06/2020

Inspector

Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located in the established residential area of Boot Road in Clondalkin, Dublin 22. This area is characterised by two storey dwellings in terraces of four with long rear gardens. The application site is located within the same landholding and to the rear of the back garden of the dwelling at number 99 Boot Road. The site has a stated site area of 0.01735 ha.
- 1.2. There is currently an existing single storey garage style structure on the site. Cars currently park between the structure and the laneway, but this area is not located within the application site boundary. At the time of the inspection it appears that the structure is not in use other than ancillary to the dwelling. However, it is noted the drawings refer to it as a 'Commercial Garage'.
- 1.3. The application site can be accessed by the laneway that appears to be known as both Brideswell Lane and Lilliput Lane. The laneway runs along the eastern boundary of the terraces of dwellings (89-103) and mostly parallel to the Fonthill Road. The laneway connects to a part of Boot Road that only serves a terrace of four dwellings Numbers 29-32.
- 1.4. A large number of commercial businesses are in operation along this laneway the majority of which are vehicle repairs with one childcare facility located nearer to the entrance of the laneway. A significant number of vehicles are parked along the laneway ensuring traffic cannot pass without pulling into setbacks that may include areas of private property.
- 1.5. There is a c. 40m long footpath that serves the entrance to the laneway to the childcare facility. There is no footpath from here to the application site c.85metres further along. There appears to be some public lighting along the laneway. The laneway is a cul de sac and appears to be maintained by the local authority.
- 1.6. The site and laneway can be viewed in places from the Fonthill Road. There is a fuel station on the opposite side of the laneway with views to the laneway particularly evident from the northerly access and egress to the station. The boundary between the laneway, fuel service station and Fonthill Road includes a capped 2-2.4m non-rendered block wall. There is no direct pedestrian access from the site to Fonthill Road or the petrol station.

2.0 Proposed Development

2.1. The proposed development is for-

- Subdivision of an existing residential plot
- Extension and conversion of an existing single storey structure (57.2 sq.m) with parapet wall and flat roof into a two storey, two bed dwelling (82 sq.m.) with a new pitched roof with Dutch hip style gable to laneway.
- The dwelling is to be finished in rendered block work and black roof tiles with two Velux style windows on side roof elevations. The new ridge level will be 7.43m.
- The development provides 59sq.m of private open space to the rear while leaving 152 sq.m of private open space for the dwelling at number 99 Boot Road.
- The application proposes c. 8m rear garden depth from the proposed first floor window.
- Parking for the development will make use of the space between the proposed structure and the laneway but is not included within the application site boundary but is within the ownership of the applicant.

3.0 Planning Authority Decision

3.1. Decision

On the 12/02/2020 South Dublin County Council refused the application for the following reasons-

1. The proposed development would set an undesirable precedent for similar developments in the immediate vicinity, and more specifically along Lilliput Lane, which would injure the visual and residential amenity of the area, detract from the residential amenity of present and future occupants and would depreciate the value or property in the vicinity.

2. The proposed development is located in an area zoned 'RES' in the South Dublin County Development Plan 2016-20200, with an objective 'to protect and/or improve residential amenity. Having regard to:

(a) The policies of the planning authority, as set out in the development plan in section 11.3.2 (i) 'Infill Development' and section 11.3.2 (iii) 'Backland Development';

(b) The pattern of development and existing land use mix in the area;

(c) The restricted size and configuration of the site and laneway;

(d) The absence of a coordinated approach to the redevelopment of the adjoining backland sites;

(e) Impact on residential and visual amenity;

the proposed development would contravene the policies on infill development and backland development, would result in haphazard form of residential development and would comprise substandard residential amenity for the proposed dwelling. The proposed development would therefore materially contravene the 'RES' land-use zoning objective for the area in the County Development Plan, and would seriously injure the amenities of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site accessed via a narrow back laneway and the insufficient space provide for the proposed three on-curtilage parking spaces, the proposed development would endanger public safety by reason of a traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planners Report dated 12/02/2020-

The report considered that the proposed development would result in a haphazard form of residential development and would seriously injure the visual and residential amenity of present and future inhabitants, of the area, of property in the vicinity therefore would not be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

- Roads Department- Refusal recommended, insufficient space proposed parking, a minimum of 6m required.
- Water Services- Further Information (AI) required in relation to soakaway proposal.

3.3. Prescribed Bodies

- Irish Water- No objections raised subject to standard observations

3.4. Third Party Observations

- None

4.0 Planning History

SD03A/0450- 22/08/2003- Retention of a single storey extension to the rear of an existing single storey workshop. **Refused** on grounds of commercial operation being contrary to Residential zoning objective

S01A/0770- ABP Ref. 128707 (considered at a Board meeting held on 03/07/02)- Retention of a single storey extension to the rear of an existing single storey workshop. **Refused** on grounds of commercial operation being contrary to Residential zoning objective

5.0 Policy Context

5.1. Development Plan- South Dublin County Council Development Plan 2016-2022

The site is zoned RES- Existing Residential with an objective '*To protect and/or improve residential amenity*'.

The eastern boundary of the site and the area proposed for car parking in this application is zoned EE- Enterprise and Employment with an objective '*To provide*

for enterprise and employment related uses'. It is noted that Residential uses are 'Not Permitted' in this zoning as per Table 11.10 of the Development Plan.

Chapter 2 of the Development Plan sets out a number of standard policies for Residential Development. Policies are underpinned by residential Objectives.

Chapter 11 sets out Development Standards and criteria that arise out of the policies and objectives including-

- 11.3.1 Residential e.g. Dwelling Standards etc
- 11.3.2 Residential Consolidation
 - (i) Infill Sites-

"....A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development....."

- (iii) Backland Development

"....Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area...."

- 11.4.2 Car Parking Standards- Table 11.24 sets the Maximum Parking Rate for Residential Development which is 1.5 space per dwelling in Zone 1 (General rate applicable throughout the County).

5.2. Ministerial Guidelines

The following section 28 guideline is considered relevant-

- Sustainable Residential Development in Urban Areas (2009) Chapter 5 section 5.9 (d) Inner suburban / infill
- Design Manual for Urban Roads and Streets (2013, updated 2020) Sections-
 - 4.4.9 On-Street Parking and Loading-
 - The standard depth of a perpendicular space should be 4.8m (not including a minimum 0.3m overhang, see Section 4.3.1).
 - 4.3.1 Footways, Verges and Strips- The following are relevant-
 - Footway:

P86. *"this is the main area along which people walk."*
 - Verges:

P. 86 *“These provide a buffer between pedestrians and the vehicle carriageway....”*

P.88 *“A verge (minimum of 0.3m) should be provided in areas of perpendicular parking where vehicles may overhang the footway”*

- Strips:

P.73 Figure 4.13: Privacy strip to the front of residential development. The strip provides a buffer and clearly define the private domain from the public.

5.3. **Natural Heritage Designations**

The site is not located within any Natura 2000 sites.

5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development it is considered that 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**

6.1.1. The grounds of appeal can be summarised as follow-

- Applicant is born and reared at address and understands the community
- The application benefitted from preplanning with SDCC, details provided
- Applicants neighbours considering similar developments
- The mews is sensitively designed respecting development plan guidelines
- Mews are synonymous with Dublin

- Proposal would add to visual amenity and value of properties in the area
- Laneway has current commercial activities not aligned to RES zoning
- Use of language citing dwelling type as substandard is inappropriate
- Application will begin a process consolidating residential amenity of area
- Permission not sought for 3 existing car parking spaces
- Proposal will reduce the number of cars on the lane.
- Refusal conditions (reasons) contradict reality on the ground

6.2. **Planning Authority Response**

- 6.2.1. SDCC's response refers to the issues raised in the appeal as covered in the planners report.

7.0 **Assessment**

- 7.1. Having regard to my site visit and the information on file, it is proposed to assess this appeal under the following headings-

- Zoning
- Residential and Visual Amenity
- Access and Car Parking
- Appropriate Assessment

7.2. **Zoning**

- 7.2.1. The proposed development is consistent with the Zoning Objective RES- Existing Residential as set out in the SDCC County Development Plan 2016-22.

7.3 **Residential and Visual Amenity**

- 7.3.1 Given the presence of the laneway serving these lands I do not consider the proposed development to be 'backland development'. However, in the proposed

context the provisions of section 11.3.2 (i) and (iii) of the SDCC Development Plan are pertinent to this assessment. In particular the proposal should be guided by a site analysis process in regard to the scale, siting and layout of development and should avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.

- 7.3.2 Many of the structures to the rear of dwellings in the area are utilising the laneway to provide commercial operations. The current application appears to be the first seeking to redevelop these lands for residential purposes.
- 7.3.3 The development potential of rear gardens in the area and the laneway serving same is evident. In order to ensure quality residential amenity for existing and proposed residents in the area, it is appropriate that a plan-led coordinated approach to the development of these lands is taken.
- 7.3.4 In the absence of same, the proposed development constitutes haphazard, disorderly and piecemeal development that could inhibit appropriate development of lands adjoining the laneway and would not protect and/or improve residential amenity as per the zoning objective.
- 7.3.5 The application describes the proposal as a 'mews' style dwelling. The SDCC development plan does not specifically provide guidance for mews developments. The site context does not reflect the traditional concept of mews development and as such the development is considered as a standard dwelling proposal.
- 7.3.6 The proposed development generally complies with the requirements of section 11.3.1 (iv) of SDCC's Development Plan in terms of dwelling standards with a stated 59 sq.m of private open space provided to the rear. A deficit of 4 sq.m of storage space can be provided for given the aggregate size of living spaces (c. 35 sq.m where 30 sq.m is required). This could be addressed by condition should permission be granted by the Board.
- 7.3.7 There are discrepancies in the site boundary of the drawings titled Proposed GA's and Proposed Site Layout Plan & Section AA. The rear garden depth for the

proposed dwelling is shown as 6m and 8m in each drawing. Both drawings show a separation distance of c. 28 metres between the first floors of the proposed dwelling and the existing dwelling. The proposed separation distances for opposing first floor windows in this context are considered acceptable.

- 7.3.8 In terms of visual amenity there are no structures of any particular architectural merit or character along the laneway. There is opportunity for future development along the laneway. Given its proximity to the Fonhill Road where roof patterns and first floors would be more visible to the general public it is considered that a more cohesive pattern of development and design in keeping with two storey dwellings of Boot Road would be more appropriate. Therefore, and notwithstanding the existing setting, it is considered that the proposed design would have a negative visual impact on the existing and future residential amenity of the area.

7.4 Access and Car Parking

- 7.4.1 The application site is located on the laneway c.120m south east of Boot Road. The laneway varies in width along its length with its edges not clearly defined with many recessed setbacks to private property e.g. the area identified for car parking.
- 7.4.2 Although the laneway is served by some public lighting it is deficient in terms of a pedestrian footpath (save c.40m from the junction with Boot Road) and alternative routes for permeability e.g. to Fonhill Road. A plan-led coordinated approach to the development of the lands along the laneway as discussed in section 7.3.3 should ensure adequate laneway width to allow for safe pedestrian facilities and alternative pedestrian connectivity where achievable.
- 7.4.3 The application indicates it will make use of three existing car parking spaces perpendicular to the front of the proposed dwelling although these are not applied for explicitly as part of this application. The spaces are outlined within the blue line indicating land under the ownership of the applicant.

- 7.4.4 The depth of these spaces is shown on the drawings as 4.85m to 5.2m. The report from SDCC roads department recommending refusal seeks a minimum of 6m from the boundary to the front elevation of the dwelling.
- 7.4.5 Section 4.4.9 of DMURS deals with perpendicular on street parking. This section refers further to section 4.3.1 Footways, Verges and Strips- where a depth of 4.8m with a minimum 0.3m overhang or verge is required to act as an overflow space for pedestrian movement. DMURS also refers to a strip or 'privacy strip' to the front of residential development generally to define the private domain. Although the parking is shown within private property, given the restricted depth of the parking spaces to be used by the proposed development and in the absence of sufficient depth or proposals as per DMURS, it appears that residents of the dwelling will have to enter into the main laneway when moving to and from the parked vehicles e.g. accessing the boot of a car. Alternatively, if vehicles reverse into the spaces there will be minimal room to access the boots without vehicles intruding on the laneway.
- 7.4.6 Although not explicitly applied for in this application, due regard must be had to the three car parking spaces that are being provided to facilitate the proposed dwelling. In particular there are implications from the proposed residential use of the spaces in terms of traffic movement and road safety.
- 7.4.7 Overall it is considered the proposed development lacks pedestrian facilities, lacks alternative pedestrian permeability and is substandard in terms of the size of car parking provision and parking proposals in general. The development would therefore endanger public safety by reason of traffic hazard.

7.5 Appropriate Assessment

- 7.5.1 Having regard to the nature and scale of the proposed development, which is considered an infill development on residentially zoned and serviced lands, outside of any Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I 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.

8 Recommendation

8.1 I recommend that permission for the development be refused.

9 Reasons and Considerations

1. Having regard to the development potential in the area and along the laneway, it is considered that the proposed development would create haphazard, disorderly and piecemeal development which would prejudice a more appropriate and efficient form of development on the site in association with the comprehensive development of other lands in the vicinity along the laneway. Furthermore, it is considered that the proposed design of the development does not have due regard to the character of dwellings in the established residential area and potential development of adjoining lands, and as such would have a negative visual impact on the existing and future residential amenity of the area. The proposed development would, therefore, be contrary to proper planning and sustainable development.
2. Having regard to the nature of the laneway accessing to the subject site, lacking pedestrian facilities, lacking alternative pedestrian permeability from the subject site and the substandard provision of car parking in terms of size and parking proposals in general, it is considered that the proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to proper planning and sustainable development.

Adrian Ormsby
Planning Inspector

12 August 2020