



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306901-20

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|-------------------------------------|---|
| <b>Development</b>                  | Construction of a one-bedroom two-storey end of terrace house adjoining the existing house. |
| <b>Location</b>                     | 57, Mount Prospect Grove, Clontarf, Dublin 3  |
| <b>Planning Authority</b>           | Dublin City Council   |
| <b>Planning Authority Reg. Ref.</b> | WEB1753/19  |
| <b>Applicant(s)</b>                 | Colm Carvill  |
| <b>Type of Application</b>          | Permission  |
| <b>Planning Authority Decision</b>  | Refuse  |
| <b>Type of Appeal</b>               | First-Party   |
| <b>Appellant(s)</b>                 | Colm Carvill  |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 7 <sup>th</sup> June 2020   |
| <b>Inspector</b>                    | Suzanne Kehely  |

## 1.0 Site Location and Description

- 1.1. The appeal site is located on a corner site at the junction of Mount Prospect Grove and Mount Prospect Drive and is part of a mature housing development of predominantly two-storey terraced houses in a variety of house styles in the immediate vicinity. Mount Prospect Grove extends around three sides of a large green and this is in contrast to the more enclosed pattern along Mount Prospect Drive, west of the site. Plots are typically narrow and deep ranging in width from under 6m to under 7m depending on terrace location. The corner sites or end of building line/house type sites are larger. The subject site forms part of the original plot for no. 57 which extends to a width of 14m at the front building line and narrows to about 10.5m.
- 1.2. The existing house on site is a much larger house than the other terraced houses and is three bay/double fronted by virtue of a two storey extension to the side and there is a further single storey garage to the side with a hipped roof. The subject site incorporates this garage to the side and a small portion of the rear garden (about 2.5m beyond the garage and under 4m in width which is the width between the gable wall of the dwelling and the side boundary wall. The proposed site delineation splits the front garden to incorporate the garden and driveway immediately fronting the garage. The vehicular entrance fronts the existing house and is not in the proposed site boundary.
- 1.3. Mount Prospect Grove is a narrow road with extensive on-street parking in addition to off-street parking. There is a one-way system in place.

## 2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
  - Demolition and removal of a 23 sq.m. single-storey garage to side of no. 57.
  - Sub-division of the site.
  - Construction of a 61 sq.m. two storey dwelling by extending the terrace alongside the gable of no.57 and up to the side boundary wall up to a depth of

around 9m. It steps to the front of the adjacent front building line and marginally protrudes the bay window of no. 57.

- Open space is provided in the existing front garden to which there is bedroom access.
- The front door is proposed in the Mount Prospect Drive frontage with a recess of around 600mm from the public footpath.
- Accommodation is proposed to provide a 14.7 sq.m. bedroom and separate bathroom at ground level and kitchen living space at first floor level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority decided to refuse permission for the following reasons:

- Having regard to the Residential Quality Standards set out in Section 16.10.9 'Corner/Side Garden Sites' of the Dublin City Development Plan 2016-2022, it is considered that the proposed development of a new contemporary designed and detailed dwelling would result in an incongruous insertion into a formally designed and laid out streetscape scene and would seriously undermine the character and visual amenities of the existing dwelling and set piece terrace arrangement. The proposed development would therefore be contrary to the said provisions of the Development Plan and would be contrary to the proper planning and development of the area.
- Having regard to the provisions of the Dublin City Development Plan 2016-2022 and to the layout and design of the proposed development, including the shortfall and substandard provision of private amenity space for the proposed house, the lack of onsite car parking, it is considered that the proposed development would constitute a substandard form of development, would be seriously injurious to the residential amenities of future occupants of the proposed house and would be contrary to said provisions of the Development Plan which seeks to ensure that developments provide a satisfactory level of residential amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report refers to :

- National guidelines for sustainable housing
- Development plan guidance and policies QH1, 13, 21 and 22.
- Section 16 regarding sustainable design, residential standards, corner/side garden sites and car parking.
- The existing building line breach along the Drive in the context of high wall boundary treatment and the further breach in a 'maximisation exercise'.
- The contemporary style is not considered to fit in with the terrace and will therefore be conspicuous and incongruous which is compounded by the mismatch of eaves levels, the stepping forward of the building line, overly large opes, recess and finishes in contrast to those features in the terrace.
- Tightly packed with limited amenity.
- Better integration with the existing design and subdivision of the rear garden, car parking and overall more balanced approach would be better.
- While meeting quantitative standards the dwelling would be substandard if the house became a three-bed space unit.
- The sole provision of open space in the existing front garden is unsatisfactory and boundary treatment raises issues regarding visual amenity of the public realm and privacy, accessibility, and sunlight issue for the future occupant. There is also the issue of car parking which if provide in this space would diminish the open space.
- There is no provision for storage of bins.
- Limited daylight in the kitchen.
- While overlooking is not an issue, there is concern about the quality of light in the proposed dwelling.

### 3.2.2. Other Technical Reports

- Drainage Division - Engineering Department - no objections.
- Transportation Planning Division – It is noted that the area is a mature residential location where there is uncontrolled car parking on street including on the

footpaths. It is further noted that no details have been provided regarding non-provision of car-parking and this should be addressed by the applicant by way of provision for car parking for the proposed dwelling.

### **3.3. Prescribed Bodies**

- Irish Water – no report

### **3.4. Third-Party Observations**

- None.

## **4.0 Planning History**

### **4.1. Surrounding Area**

4.1.1. An Bord Pleanála ref: 304505 refers to a refusal of permission for separate granny flat accommodation at 149 Mount Prospect Avenue. The stated reason being:

- Having regard to the Z1 zoning objective for the site and sections 16.10.13 and 16.10.14 of the Dublin City Development Plan 2016 - 2022, it is considered that the proposed development would be contrary to the previous planning permission granted under planning register reference number 1532/07, in that the “granny flat” structure is currently functioning separate to the host house, that it would provide poor quality accommodation and access to rear private open space, resulting in a poor standard of residential amenity for the future occupants and would set an undesirable precedent for future development in the area. The proposed development would, therefore, be contrary to the provisions of the current Development Plan and to the proper planning and sustainable development of the area.

4.1.2. An Bord Pleanála ref. PL29N.248398 refers to permission granted on appeal for a four-bedroom part single and two-storey contemporary-style detached house with vehicular entrance along Mount Prospect Park at No.48 Mount Prospect Avenue

## **5.0 Policy & Context**

### **5.1. Development Plan**

- 5.1.1. The objective for the site is Z1 'To protect, provide and improve residential amenities.'
- 5.1.2. Chapter 16 set out development standards generally and in particular section 16.2.2.2 refers to infill development for gap sites within existing established urban areas and states that it is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings ensuring a more coherent cityscape. DCC will therefore seek:
- To ensure that infill development respects and complements the prevailing scale, architectural quality, and the degree of uniformity in the surrounding townscape,
  - In areas of varied cityscape significant quality infill development will demonstrate that positive response to context including characteristic building plot widths, architectural form, and the material and detailing of existing buildings where these contribute positively to the character and appearance of the area.
  - Within terraces and groups of buildings of unified design and significant quality infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole,
  - In areas of low-quality varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings where these make a positive contribution.
- 5.1.3. Section 16.10.9 of the plan sets out the requirements with regard to the development of houses in **corner sites** / side gardens. In addition to the design criteria other considerations include impact on amenities of adjoining sites, open space, parking, boundary treatment and landscaping and the maintenance of building lines where appropriate.
- 5.1.4. Section 16.10.2 refers to residential housing standards including private open space.
- 10 sq.m. per bed space will normally be applied and within inner city this drops to 5-8 sq.m. Rear gardens and similar private areas should be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries...
- 5.1.5. Other Relevant policies

- Policy QH5 – To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned Policy QH8 -To promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals with respect to the design of the surrounding development and the character of the area.
- Policy QH13 - To ensure that 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.
- Policy QH 21 – 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.
- Policy QH 22 – 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.

5.1.6. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

5.1.7. Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Amongst other National Guidelines, policy QH1 of the Plan seeks to build upon and enhance standards outlined in 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). Policy QH21 of the Plan is also relevant, and this seeks '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'.

5.1.8. Design principles for infill development are set out in Section 16.2.2.2 of the Development Plan. Design standards for houses are set out in Section 16.10.2 of the Plan and matters to be considered in assessing proposals for corner/side garden

sites and infill housing are specifically outlined under Sections 16.10.9 and 16.10.10 of the Plan. Section 16.10.9, inter alia, requires corner/side garden housing to be compatible with the design and scale of adjoining dwellings, to be attentive to the building line and to adhere to minimum open space standards. Up to 60-70sq.m of rear garden area is generally considered sufficient for houses in the city and a minimum of 10sq.m amenity space per bed space is required. In this part of the city (zone 3), a maximum of 1.5 car parking spaces per house is required based on standards within Section 16.38 of the Plan.

## **5.2. Environmental Impact Assessment - Preliminary Examination**

- 5.2.1. 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**

- 6.1.1. A first-party appeal has been lodged and is based on the following grounds:
- The proposal is not out of character given that there are similar examples of comparable recent development in the area. E.g. Mount Prospect Park and Mount Prospect Avenue. This is an example of where red brick is not used. (Photographs are attached.)
  - There is also area example on the Howth Road.
  - It is submitted that the design is more sympathetic to the existing character of the surrounding houses as compared to the other houses in the attached photographs.
  - It is not accepted that there will be any infringement on private amenity space or car parking. This is because the proposed development will not result in any additional use of the front garden area than exists at present.
  - The front area provides for 5 or 6 cars.
  - It is acknowledged that on-street is problem due to the absence of driveways and it is submitted that the proposal will make no difference to this situation.



- The application is for personal/family reasons and not a separate development from the existing family home.

## 6.2. **Planning Authority Response**

6.2.1. No comment on grounds of appeal.

## 6.3. **Observations**

6.3.1. None received.

## 7.0 **Assessment**

### 7.1. **Issues**

7.1.1. This appeal relates to a proposal for an additional dwelling in a side garden of a corner site and from inspection and review of the file, the issues centre on:

- Nature of use and principle
- Streetscape and Design
- Open space
- Car Parking

### 7.2. **Nature of Use and Principle**

7.2.1. The proposed development as described and illustrated in the submitted plans and details is for an independent dwelling with own door access directly from Mount Prospect Drive. There is no interconnection with the existing dwelling which is accessed off Mount Prospect Grove and the inclusion of a stairwell in the two-storey dwelling further limits any future integration with the existing house. Accordingly, while the applicant refers to its intended family use in the grounds of appeal, the design is clearly for separate dwellings and it should be assessed on this basis. Use as a family house would I consider be more appropriately described as a family flat/granny flat for which there is specific design criterion and guidance so that the unit may be reintegrated over the long run rather than operate as a substandard individual unit. The applicant states that he is open to discussing the proposal

however this is not the role of An Bord Pleanala. The planning authority provides for pre-application discussion and the applicant does not appear to have availed of this. The Board could seek a revised design to provide for integration in accordance with the development plan criteria and revised public notices as required but this would result in significant revisions which I consider would be more appropriate in a fresh application. Accordingly, this assessment is on the basis that permission is sought primarily for an independent dwelling.

- 7.2.2. In principle, having regard to the development plan objective for Z1 lands and to the policy in section 16.10.9, a corner site of the size and nature of the original plot and house for no.57 lends itself to the provision an additional dwelling subject to design criteria . However in this case the house has already been considerably extended to the side and the residual space provided, notwithstanding the demolition of the garage, is I consider restricted in terms of provision for an independent two storey dwelling of a suitable quality and this may also compromise the quality of the original house.

### 7.3. **Streetscape and Design**

- 7.3.1. The first reason for refusal is based on the design and impact on the character of the area. From my reading of the planning report, this reason is based on the incongruity of the design which is contemporary in nature and which also incorporates a different scaling of windows and use of materials. While contemporary design is encouraged, the terraced context is not considered by the planning authority to be appropriate for the design proposed. While I concur that the proposal would be visually obtrusive and incongruous, I consider this to be based on the scale and extent and consequent absence of set back and this issue flows from the restricted nature of the site relative to the house and terrace. There is little to assimilate the development. While I note the context such as the rear laneway separating the site from the housing along the west side of Mount Prospect Drive and that the breaking of building line is not unduly incongruous , I concur that the construction of a two storey dwelling up to the boundary wall would be quite dominant in the streetscape as viewed along Mount Prospect Drive in both directions. This would be more intrusive and injurious as viewed from the west where housing is more enclosed and does not have the visual relief of the large green space or wider road carriage.

7.3.2. Contemporary design is not so much the issue as the creation of a distinct additional unit that has no consistency with the scale and rhythm of the existing house and the terraced plots of which it forms a part. For this reason, the design does not integrate with the character of the area.

#### **7.4. Open Space and Car Parking**

- 7.4.1. The proposed site layout provides for open space only to the front which is presently partly screened by a mature boundary hedge. The planning authority is concerned that there is no provision of private space given the absence of detailed landscaping and boundary treatment and relationship with the remaining front garden serving the existing dwelling and it will essentially be in the public realm. There is no space proposed to the rear and the design with opaque glazing derives very limited amenity from this aspect. The living space at first floor level appears to have a small balconette area but there is no provision for seating. While I accept that the overall site is generous and that in quantitative terms there should be no issue with private amenity space, I consider that the proposed layout lacks sufficient detail in addressing this. The appellant states that there will be no increase from the existing situation, and I interpret this to mean that there is no anticipated increase in demand for services and amenities as the family continues to live on the overall site. However, given the independent nature of the proposal and the inadequate provision of quality private open space, this is not acceptable. I also consider the site configuration to the rear does not provide for sufficient separation between the different dwelling units – I refer to the proposed bathroom and corridor windows opening directly into the separate curtilage which is also overlooked by the existing kitchen window. This raises issues about the impact on amenities of the existing dwelling over the longer term.
- 7.4.2. The appellant similarly makes the point that there will be no increase in car parking demand by the proposal. He further states that there is provision for 5 or 6 cars. However the provision for such car parking would seriously encroach on the amenity value of the front garden and effectively result in no private open space for the proposed dwelling which is totally reliant on the front area for amenity.
- 7.4.3. The reliance on the open green space serving the housing development as a group does not constitute as a substitute for private amenity space – notwithstanding its

legally private arrangement. As the planning authority points out, there is no provision for bin storage or indeed other ancillary storage for sundry household management or amenity. There is nowhere to store rubbish, safely park a bike, dry clothes, air household items such as mops, store fuel away from public view or provision for outdoor seating.

7.4.4. With respect to car parking I note that there is extensive on-street car parking including parking on footpaths as also referred to in the report of the Transportation Planning Division. In these circumstances any additional generation of on-street car parking would be undesirable particularly at the junction of a corner site. The Transportation Planning Division holds the view that this matter should be addressed. Based on the submissions on file I do not consider adequate details have been provided regarding the provision of appropriate car parking which should also have regard to private open space and orderly boundary treatment in keeping with other properties in the area.

7.4.5. In conclusion I do not consider the proposed development provides for an appropriate standard of residential amenity or orderly development by reference to the development plan criteria set out in section 16.10.9, which is considered reasonable and the proposal would accordingly be contrary to the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment**

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

## **9.0 Recommendation**

9.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations, as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the established character and pattern of development in the vicinity, the provisions of the Dublin City Development Plan 2016-2022 for development at corner sites and the proposed site configuration and scale of overall development on the site together with the prominent position of the proposed two storey house in the side garden and the significant breaking of the building line of adjacent housing to west, it is considered that the proposed development would be a discordant feature and visually obtrusive within the streetscapes of both Mount Prospect Drive and Mount Prospect Grove, would detract from the visual amenities of the area and would be contrary to the provisions set out under Section 16.10.9 of the Dublin City Development Plan 2016-2022, which require developments on side garden sites to have regard to the character of the area, including building lines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development as an independent dwelling would constitute a substandard form of development by reason of site layout including the substandard provision of private amenity space, inadequate provision for management of refuse, lack of onsite car parking and overall relationship with the existing house on site to which it is not interconnected and would therefore seriously injure the residential amenities of both the existing and proposed house and would be contrary to provisions of section 16.10.9 of the Dublin City Development Plan 2016-2022 which seeks to ensure that such development provide a satisfactory level of residential amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Suzanne Kehely  
Senior Planning Inspector

9<sup>th</sup> July 2020