



An
Bord
Pleanála

Inspector's Report 306940-20

Development	Detached house with attached double garage
Location	No. 429 Griffith Avenue, Dublin 9.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4767/19
Applicant(s)	Seamus and Geraldine McAnenly
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. Decision
Appellant(s)	Seamus and Geraldine McAnenly
Observer(s)	(1) Griffith Avenue and District Residents Association; (2) Anna & Fergal O'Dwyer
Date of Site Inspection	24 th July 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 730 m² and is located at No. 429 Griffith Avenue, Dublin 9. The existing property is a two-storey, semi-detached dwelling with a single-storey extension to the rear. The rear garden is characterised by a paved area adjacent to the single-storey extension, with steps leading up into the garden, which slopes gently upwards in a northerly direction away from the dwelling. The adjoining semi-detached dwelling at No. 427 Griffith Avenue has a large 2-storey extension to the rear.
- 1.2. The site is bounded by Griffith Avenue to the front (south) and by a local access road known as "The Rise" to the side (west). There is an ESB sub-station and a single-storey commercial property (Tracy's newsagents) located at Woodpark at the rear (northern) property boundary. A row of commercial units is located on the northern side of Woodpark fronting onto The Rise which extend from 2- 3 storeys in height.

2.0 Proposed Development

- 2.1. The proposed development comprises a detached, 2-storey, 4-bedroom house with attached double (2 car parking spaces), garage, gardens, balcony and associated external works.
- 2.2. The dwelling has a stated floor area of 297 m² and extends in a north-south direction in the rear garden of No. 429 Griffith Avenue. The proposed dwelling has a depth of 24.051 m at the ground floor level and 21.5 m at 1st floor level. The overall height of the dwelling is 6.401 m.
- 2.3. The proposed bedroom accommodation is arranged across the ground floor, with the living accommodation above at 1st floor level. The private open space is arranged as a series of terrace spaces at 1st floor level, extending along the eastern and western boundaries fronting onto The Rise and the adjoining dwelling at No. 427 Griffith Avenue respectively. A terrace space is also proposed adjacent to the northern site boundary.
- 2.4. Access to the dwelling is proposed at the western site boundary via The Rise.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on 21st February 2020 for 1 no. reason based on the scale, site coverage and distance from the site boundaries of the proposed development, which would be out of character with the established pattern of development in the area, would result in excessive, undue overlooking and would have a significant overbearing impact on the residential amenities of neighbouring dwellings, and in particular, No. 427 Griffith Avenue.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

- 3.2.3. Dublin City Council's Planning Officer considered that the site may be capable of accommodating an additional dwelling and that the proposed development was a high quality, contemporary design.

- 3.2.4. However, it was further considered that the scale of the dwelling was excessive and would result in overlooking and overbearing impacts on neighbouring properties and as such, a fundamental reconsideration of the proposed design and scale is required.

3.2.5. Other Technical Reports

- 3.2.6. **Transportation Planning Division:** Recommends that Further Information be requested in relation to the width of the proposed vehicular entrance. Conditions recommended in the event planning permission is granted.

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

3.3. Prescribed Bodies

- 3.3.1. **Irish Water:** No response received.

3.4. Third Party Observations

- 3.4.1. A total of 3 no. third party submissions were made on this application by: (1) Box Urban on behalf of Anna and Fergal O'Dwyer of No. 427 Griffith Avenue, Dublin 9;

(2) Derbhil Geoghegan of No. 425 Griffith Avenue, Dublin 9; and, (3) John Webb, No. 44 The Rise, Dublin 9 (chair of the Griffith Avenue and District Residents Association).

- 3.4.2. The issues raised can be summarised as follows: (1) the proposed development does not reflect the character, boundary treatment and materials of the existing dwellings; (2) incoherent building line; (3) overbearing, overlooking and overshadowing impacts on Nos. 425 and 427 Griffith Avenue; (4) poor quality /insufficient open space for the existing and proposed dwellings; (5) excessive car parking; (6) loss of on-street car parking (7) overdevelopment; and, (8) increased surface water run-off from existing site.

4.0 Planning History

- 4.1. None.

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”. 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. A target gross floor area of 110 m² is identified for a 2-storey, 4-bedroom/7-person house under the *Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*' (2007). No standard is identified for a 2-storey, 4-bedroom/8-person house as proposed in this instance.
- 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. **Section 16.10.2: Residential Quality Standards – Private Open Space**
- 5.3.8. 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.
- 5.3.9. 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, and not back on to roads or public open spaces.
- 5.3.10. **Section 16.10.9 Corner/Side Garden Sites**
- 5.3.11. Such development can make valuable additions to the residential building stock of an area and will generally be allowed on suitable larger sites. However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor-quality independent dwelling, which may also compromise the quality of the original house.

5.3.12. 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.

5.3.13. **Car parking**

5.3.14. The site is in Area 3 of the city for the purposes of car parking provision. The maximum car parking standard for residential uses in this zone is 1.5 spaces per dwelling.

5.4. **Natural Heritage Designations**

5.4.1. None.

5.5. **EIA Screening**

5.5.1. 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 by Kevin Campbell Architects on behalf of the applicants, the grounds of which can be summarised as follows:

- The assessment of Dublin City Council's Planning Officer does not consider the entire built context surrounding the subject site, including development on Woodpark Street and the commercial units/apartment to the north;
- The objections which have been raised by the third-party observers are without substance;
- The site shape and surrounding context have informed the building design, with the length of the dwelling (excluding the garage) reflecting that of the existing extension to the neighbouring dwelling at No. 427 Griffith Avenue;
- A precedent for the proposed development exists at The Burren House on Anglesea Road, which is estimated to be 30m in length and which sits against all of its site boundaries;
- The proposed dwelling is set-back from the boundary with No. 427 Griffith Avenue to reduce overbearing impacts on this property. The rear garden of both properties slopes upwards from south to north, which further reduces any such impacts;
- The rear garden of No. 427 Griffith Avenue is approx. 33 m long and 10 m wide and as such, it is unreasonable to suggest the proposed development will have an overbearing impact on this property;
- The proposed development will provide additional privacy to the rear garden of No. 427 Griffith Avenue and the neighbouring dwellings to the east;
- A portion of the proposed ground floor accommodation is subterranean as the gardens of No. 427/429 Griffith Avenue slope upwards from south to north, thus further reducing the overbearing/residential amenity impacts;
- The laurel hedge at 1st floor level will completely limit any overlooking issues, while the zen garden will only be entered for maintenance purposes;

- Precedents exist elsewhere on Griffith Avenue for significant rear extensions, including No. 427 Griffith Avenue, all of which have some degree of overbearing impact on neighbouring properties;
- The proposed site coverage complies with development plan standards for Z1 zoned sites;
- The development would increase the residential density of the area and fill a gap in the existing streetscape.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.4. A total of 2 no. observations have been received from: (1) Box Urban on behalf of Anna and Fergal O'Dwyer of No. 427 Griffith Avenue, Dublin 9; and, (2) Brendan Gaffney on behalf of the Griffith Avenue and District Residents Association.

6.5. The following additional points (see section 3.4.2 of this report) have been raised: (1) daylight impacts on No. 427 Griffith Avenue, including its 2-storey rear extension; (2) The Burren House on Anglesea Street is not an appropriate precedent; (3) the appeal drawings and CGI drawings incorrectly illustrate the levels in the rear garden of No. 427 Griffith Avenue; and, (4) the roof level will be 400mm higher than the adjoining house at No. 427 Griffith Avenue.

6.6. The observation from Box Urban includes 1 no. floor plan and 2 no. section drawings of No. 427 Griffith Avenue to illustrate its relationship to the proposed development.

7.0 Assessment

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

- Scale of Development / Overbearing Impacts
- Overlooking Impacts
- Appropriate Assessment

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

7.3. **Scale of Development / Overbearing Impacts**

- 7.3.1. Dublin City Council considered that the development would be out of character with the established pattern of development, would result in excessive, undue overlooking and would have an overbearing impact on neighbouring dwellings, in particular, No. 427 Griffith Avenue, as a result of its scale, site coverage and distance from the site boundaries.
- 7.3.2. The rear garden area extends to 36 m in length from the rear elevation of the existing dwelling to the ESB substation at the northern site boundary. The proposed dwelling, including the attached double garage, extends to a depth of 24.051 m at the ground floor level and 21.5 m at 1st floor level. The overall height of the dwelling is 6.401 m. A new boundary wall with planter is proposed to subdivide the site, with a remaining garden area of 7 m in depth (95 m²) provided to serve the existing dwelling.
- 7.3.3. While the set-backs which are proposed at the ground and 1st floor levels of the proposed dwelling are acknowledged, I consider that the scale of the dwelling is excessive, given that its footprint would occupy the majority of the east/west extent of the existing rear garden space. In this regard, I note that the floor area of the proposed dwelling (297 m²) is almost twice that of the existing 2-storey dwelling (148 m²).
- 7.3.4. In addition, notwithstanding the proposed set-backs and the predominant use of glazing materials, I further consider that the scale of the proposed development at 1st floor level, which would introduce a new building form of 21.5 m in length along the shared boundary with No. 427 Griffith Avenue would be excessive, and would have an overbearing impact on the rear amenity space of this neighbouring property.
- 7.3.5. I acknowledge that national, regional and local planning policy seeks to increase residential densities in urban areas through a variety of means, including infill development. However, such development must be undertaken in a manner which is appropriate to the site context and which does not unduly impact on the amenities of existing residential properties. While the applicant's agent has identified a precedent case for an infill dwelling elsewhere in the city area, I note that each application is adjudicated on its own merits. While there may be potential to provide an infill

dwelling on the subject site, in my opinion, the scale of development which is proposed in this instance would result in an unacceptable, overbearing impact on No. 427 Griffith Avenue, and as such, would have a significant negative impact on the residential amenities of this property.

- 7.3.6. I further consider that the proposed development would have an overbearing impact on the existing dwelling (No. 429 Griffith Avenue) and its remaining rear garden space. In this regard, I note that the southern elevation of the proposed dwelling would extend to a height of 6.401 m at a set-back of 2.5 m from the new boundary wall/planter which is proposed to subdivide the site.

7.4. Overlooking Impacts

- 7.4.1. The 1st floor of the subject dwelling accommodates the proposed living spaces. The eastern façade is primarily characterised by glazing panels and is set back from the shared boundary with No. 427 Griffith Avenue by between 1.0 m and 2.9 m. The set-back area will function as a zen garden space enclosed by a 1.8 m high laurel hedge/planter and which links into a garden terrace of 72 m² adjacent to the northern site boundary. The proposed hedge/planter also extends around the southern façade of the property fronting onto the remaining private open space serving the existing dwelling. The applicant's agent submits that the laurel hedge/planter at 1st floor level will completely limit any overlooking issues, while the zen garden will only be used for maintenance purposes.
- 7.4.2. In my opinion, I am not satisfied that the proposed hedging/planter at 1st floor level is an acceptable design response to address the overlooking of the private amenity spaces of the existing dwelling and of No. 427 Griffith Avenue. In the event the proposed hedging/planter failed or was not appropriately maintained, the proposed development would result in significant overlooking of these neighbouring properties and as such, would have a significant detrimental impact on their residential amenities. As such, I consider that planning permission should be refused in this instance.

7.5. Appropriate Assessment

- 7.5.1. 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.

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 scale, form and design, would constitute overdevelopment of the site and seriously insure the amenities of the area and of properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Louise Treacy
Planning Inspector

31st July 2020