



An
Bord
Pleanála

Inspector's Report ABP-306972-20

Development

Demolish existing single storey garage attached to side of existing dwellinghouse with minor internal alterations, and to construct 2no. 2-storey dwellinghouses (semi-detached), and all associated site development works at 9 Doon Avenue, Dublin 7, D07 A4A6

Location

9 Doon Ave, Dublin 7, D07 A4A6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2009 / 20

Applicant

Anne O'Neil

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

1st Party -v- Refusal

Appellants

Anne O'Neil

Observer(s)

Mark Hyland & Susan Grant
John McGurk

Date of Site Inspection

30th July 2020

Inspector

L. W. Howard

1.0 Site Location and Description

- 1.1. The application site, topographically level and rectangular in shape, with a stated area of c.577m², is located within the established residential neighbourhood of Cabra, Dublin 7, approximately midway between Old Cabra Road to the north, and Ellesmere (see series of 'location mapping' attached).
- 1.2. Specifically, the site is located fronting onto the northeastern portion of the Doon Avenue cul-de-sac head. Access to the site is obtained from Ellesmere Avenue to the south, via Doon Avenue (an approximate 50m long cul-de-sac), and through the existing c.2.8m gated vehicular entrance.
- 1.3. At present, the site is developed with a large single, 2-storey dwellinghouse, with a single storey garage attached to the eastern side. A concrete covered area exists to the front (south) of the existing dwelling house, facilitating driveway access off Doon Avenue and onsite car parking. The dwellinghouse is set back c.9.0m from the site entrance / southern, front boundary, and excluding the garage, c.16.5m from the eastern lateral boundary. The footprint of existing development on site occupies the western half of the site. The remaining eastern half of the application site is a well-covered grassed lawn.
- 1.4. Contextually, the surrounding neighbourhood comprises well established residential development, indicative of the history of the local area. Along Doon Avenue, residential development comprises a mix of 2-storey single, semi-detached and terraced housing.
Noteworthy, is that the northern boundary of the application site is shared with 'Everton House' (No.47 Old Cabra Road), which is identified as a Protected Structure (RPS Ref.No.1088) within the Dublin City Development Plan 2016-2022.
- 1.5. Traffic movements along Doon Avenue are restricted, and low in volume, in accordance with the small local residential enclave fronting onto a short cul-de-sac. Doon Avenue is geometrically straight and level between its junction with Ellesmere Avenue and the entrance onto the application site. c.1.5m sidewalks exist along both sides of Doon Avenue. On street car parking is enabled on both sides of Doon

Avenue, which was well taken up at the time of physical inspection. Satisfactory sight visibility is possible from the site entrance south throughout the length of Doon Avenue to its junction with Ellesmere Avenue.

2.0 Proposed Development

2.1. Proposed development comprises –

- to demolish existing single storey garage attached to the side of existing dwellinghouse with minor internal alterations and to construct 2no. 2-storey dwellinghouses (semi-detached), and all associated site development works.
- the garage for demolition is integral to the existing dwellinghouse, attached to the eastern end of the dwelling. The garage is single storey, with a flat roof height of 3.2m, and with a stated area of 30m².
- the proposed new dwellinghouses –
 - to be semi-detached
 - 4-bedroom dwellings
 - to each measure 133m²
 - to have an overall height of 9.1m, incorporating ‘hipped roof’
 - incorporates ‘private amenity space’ to the rear of each new dwelling as follows –

House no.1	41.2m ²
House no.2	40.7m ²

2.2. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –

- the applicant /1st party as part of the planning application documentation and mapping / drawings received by the Planning Authority date stamped – 03/01/2020, and subsequently as part of the 1st Party Appeal submission documentation received by the Board date stamped – 24/03/2020.
- the Planning Authority in the Deputy Planning Officers ‘planning report’ dated 26/02/2020.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to REFUSE planning permission, for two (2no.) stated 'Refusal Reasons' as follows –

RR1 The proposed development would result in overdevelopment of the site, failing to provide an adequate quantum of high value, usable private open spaces for both the existing and proposed dwellings and would give rise to unacceptable direct overlooking of adjoining residential properties to the north and south. The proposed development would therefore, by itself, and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.

RR2 The proposed development, by reason of its design and scale, would have a significant negative impact on the special character and setting of the dwelling at No.47 Old Cabra Road, Everton House, which is identified as a 'Protected Structure' within the Dublin City Development Plan 2016-2022, and would set an undesirable precedent for similar forms of development along the street. The proposal would therefore contravene Policies CHC2 and CHC4 of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The key planning issues considered as follows –

Principle :

- Site zoned 'Z1 – 'Sustainable Residential Neighbourhoods'.

- Residential development is permissible.
- Proposed development therefore acceptable, subject to design, layout and siting considerations.
- Proposed 'demolition works' deemed as 'small scale'. Such works considered as acceptable, where undertaken without impact on adjoining properties.

Scale and Design :

- The proposed dwellings are set forward of the existing dwelling by c.3m, and forward of the west-adjoining terrace (No's.5,6 & 10 Doon Avenue), by c.400mm.
- No established 'building line' exists locally. The proposed dwellings would not be prominent in views from Doon Avenue.
- Serious concern as to the height of the proposed dwellings, and their impact on adjoining dwellings within Doon Avenue, and particularly on Everton House, adjacent to the north, a Protected Structure (RPS Ref.No.1088, within the City Development Plan 2016-2022).
- With a ridge-height of 9.1m, the proposed dwellings are 700mm taller than the existing dwelling on the site and, having reference to the drawings submitted with application **Reg.Ref.2951** at No.6 Doon Avenue, they are c.1.25m taller than No's. 5,6 and 10 Doon Avenue, which adjoin the site to the west.
- Such disparity in building heights along the street would result in a disjointed appearance to the street, to the detriment of the visual amenity of the area.
- Note that the proposed dwellings would not be overly prominent in available views.
- Emphasise the significant impact on the special character and setting of **Everton House**.
 - 'Glimpsed views' of the existing dwelling on the application site (No.4 Doon Avenue), are possible through 'Everton House' from Old Cabra Road. Views possible are screened by landscaping, which rises up to c.6-7m high.
 - The proposed dwellings are sited within 16.5m of 'Everton House'. The existing house at No.4 is c.34m away. The proposed dwellings are likely to be much more prominent in this view from Old Cabra Road.

- Reference 3rd party submission by the owner of 'Everton House' outlining that the level of the application site is c.2m higher than the ground level within their own property.
Were planning permission to be granted for the proposed dwellings, consider that substantial screening would be required along the northern property boundary. Such screening would be necessary in order to mitigate the visual impact on the Protected Structure and also to protect the residential amenity of residents of 'Everton House', from overlooking.
- The provision of such screening to be substantial, and it would significantly impact on the area of 'private open space' available to either dwelling.
- Accordingly, "such mitigation is therefore not appropriate and a refusal on the basis of the impact on Everton House, is warranted".

Layout :

- Referencing drawings submitted, consider the dwelling accords with minimum Standards, as set out within the City Development Plan 2016-2022, and 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', save for the area of Bedroom -1, which falls below the minimum target level.
- Consider that minor internal reconfiguration would allow for this Bedroom to achieve the minimum target area.
- Drawings submitted indicate rear domestic gardens of 41.2m² and 40.7m² provided for the proposed dwellings. A rear domestic garden of c.36m² would be retained for the existing dwelling. In all cases, the area provided falls significantly below that required under the City Development Plan 2016-2022 Standard.
For the proposed dwellings, private gardens of 60m² are required. For the existing dwelling a garden of 50m² is required.
- Note the applicant's claim the site is located within the 'Inner City', and that accordingly, a reduced area of private open space is required.
Rather, assert site location within the 'Outer City', where private amenity space is required "at the above-outlined rate" (ie. proposed dwellings – 60m², & existing dwelling – 50m²).

- Note further, applicants claim of additional private amenity space existing to the front. Such space is not considered appropriate, as contributing towards private amenity space provision, where there would be no privacy.

Impact on Neighbouring Properties :

- Serious concern regarding overlooking of adjoining property to the north, and several of the south adjoining properties.
- North, rear-adjoining property – Everton House :
 - the new dwellings incorporate rear-facing bedroom windows, which have close range and unrestricted views of the adjoining rear garden.
 - overlooking is exacerbated by topographical changes between the sites, where the application site sits above the north-adjoining property.
- South, adjoining property along Doon Avenue :
 - the new dwellings incorporate front-facing bedrooms directly overlooking several rear gardens.
- Overlooking to both the North and South would be significant and is considered as ‘unacceptable’.

Transport :

- Note the City ‘Transportation Planning Division’ has no objection to the proposed development, subject to Conditions.

Drainage :

- Note the City ‘Drainage Division’ has no objection to the proposed development, subject to Conditions.

Other Issues :

- Several 3rd party objections lodged in response to the proposed development.
- Reference consideration of the issues raised in the objections lodged, elsewhere within the Deputy City Planners report (see Observations / Considerations).

Conclusion :

- Whilst the principle of residential development acceptable under the 'Z1' zoning objective, there are significant concerns relating to the proposed development.
- Proposed development –
 - would significantly impact on the special character and setting of the 'Everton House' property (No.47 Old Cabra Road), designated a 'Protected Structure' within the City Development plan 2016-2022,
 - includes private amenity space provision significantly below the minimum level required by the City Development Plan 2016-2022, and
 - would result in close range, direct overlooking of several adjoining properties.
- proposed development "is considered to be unacceptable".

Appropriate Assessment :

- Having regard to :
 - the nature and scale of the proposed development
 - the proximity to the nearest 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.

3.2.2. Other Technical Reports

<u>Engineering Dept. – Drainage Division</u>	No Objection, subject to Conditions (see report – 10/02/2020)
<u>Transportation Planning Division</u>	No Objection, subject to Conditions (see report – 17/02/2020)

3.3. Prescribed Bodies

<u>Irish Water</u>	No response
<u>Irish Rail</u>	No response
<u>National Transport Authority</u>	No response

Transport Infrastructure Ireland Clarify the application site location within the area of the LUAS Cross City S49 Supplementary Development Contribution Scheme (29/01/2020)

3.4. Third Party Observations

3.4.1. The Planning Authority comment “A number of letters of objection have been received, ...”

3.4.2. The issues argued summarised as follows –

- Overdevelopment of the Site.
- Impact on Character of the Area.
- Overlooking, Overshadowing.
- Impact on Residential Amenity, Privacy & Security.
- Noise and associated Disturbance.
- Land Level differences between Application Site and Adjoining Properties are Significant.
- Application documentation are inaccurate.
- Traffic, Parking and Road Safety.
- Fire Safety Concerns.

Planning Authority confirm that the above references have been noted, and taken into account in the assessment of the proposed development.

4.0 Planning History

4.1. **Application Site** None apparent

4.2. **Surrounding Area** Summarised as follows :

Ref.2951/15 No.6 Doon Avenue

Proposed 2-storey dwelling house attached to the side of existing 2-storey dwellinghouse, and all associated site works

Planning Permission granted, subject to Conditions

Ref.2703/12 No.47 Old Cabra Road

Refurbishment of existing detached house and replacement of part single and part 2-storey extensions to rear of house, with new part single and part 2-storey extension to rear of house with rooflights and thermal collectors. Ground floor extension to be 43m² and first floor extension to be 21m².

Dwellinghouse subject of the application is a 'Protected Structure'.

Planning Permission granted, subject to Conditions.

Ref.2986/00 No.47 Old Cabra Road

Refurbishment of 'Everton House', a 'Protected Building', and to raise the height of the rear boundary wall.

Dwellinghouse subject of the application is a 'Protected Structure'

Planning Permission granted, subject to Conditions including the following :

C5 "The height of the raised portion of the rear boundary wall shall be not more than 2.3m, and this work shall be subject to the written agreement of adjoining owner(s)".

5.0 Policy Context

5.1. Project Ireland 2040 – National Planning Framework

Chapter 4 : Making Stronger Urban Places

National Policy Objective 4 Ensure the creation of Attractive, Liveable, Well Designed high-quality urban places that are home

to diverse and integrated communities that enjoy a high quality of life and well-being.

Chapter 6 : People, Homes and Communities

National Policy Objective 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. Dublin City Development Plan (2016-2022)

Relevant provisions include (see copies attached):

Ch4 Shape and Structure of the City

4.5.3.1 Urban Density

This plan will continue to physically consolidate the city and to optimise the efficient use of urban land. This will minimise wastage of scarce urban land, reduce urban sprawl and provide for a compact city with attractive mixed-use neighbourhoods, a variety of housing types and tenure, and adaptable housing, where people of all ages will choose to live as a matter of choice.

SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.

SC14: To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces.

4.5.8 **Making Sustainable Neighbourhoods**

The importance of creating good neighbourhoods is imbued throughout the development plan, with regard in particular to residential, community and connectivity perspectives. However, these aspects must be fully integrated with the physical shape of neighbourhoods, which together contribute to the form and structure of a consolidated city.

In addition, while there is much emphasis on promoting the appropriate redevelopment of vacant and brownfield lands in the city, it is equally recognised that there is also a sizeable amount of non-occupancy or under-occupancy of older housing stock and other buildings throughout the city.

The City Council's aim to physically consolidate the city includes the goal of bringing vacant or under-utilised buildings into use, thereby preventing urban sprawl and optimising the use of scarce urban land, a finite resource.

4.5.9 **Urban Form and Architecture**

Well-considered urban design and architecture, through its context to the public realm, use of materials and finishes, can make a positive contribution to the townscape and urban environment, and can improve the environmental performance, competitiveness and attractiveness of the city.

The quality of urban design and architecture improves economic value and is a key element in regeneration proposals, and good design can improve the experience of all the city's communities in everyday life. Furthermore, it is important to consider the economic benefits of future-proofing the design of a building or project, if costs to retro-fit or re-design an existing scheme are to be avoided in the future.

Design principles, policies and standards for urban design and architecture are set out in Chapter 16 (development standards). Chapter

11 (culture and heritage) includes further guidance on development in conservation areas and protected structures.

SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

Ch5 Quality Housing

5.5 Policies and Objectives

S5.5.1 National and Regional Guidelines and the 'Housing Strategy'

It is the Policy of Dublin City Council:

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).

S5.5.2 Sustainable Residential Areas

It is the Policy of Dublin City Council:

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.

S5.5.7 Houses

It is the Policy of Dublin City Council:

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.

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.

S10.5.7 **Trees**

It is the Policy of Dublin City Council:

G/28: To support the implementation of the Dublin City Tree Strategy, which provides the vision for the long-term planting, protection and maintenance of trees, hedgerows and woodlands within Dublin City.

G/30: To encourage and promote tree planting in the planning and development of urban spaces, streets, roads and infrastructure projects.

S11.1.5.1 **The Record of Protected Structures :**

The Planning & Development Act – 2000 (as amended) requires each Planning Authority to compile and maintain a Record of Protected Structures (RPS). This record is a mechanism for the statutory protection of the architectural heritage. Policy **CHC2** considered relevant in the context of the proposed development :

CHC2 : To ensure that the special interest of ‘Protected Structures’ is protected. Development will conserve and enhance Protected Structures and their curtilage and will :

- (d) Not cause harm to the curtilage of the structure. Therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the Protected Structure.

S14.8 Primary Land-Use Zoning Categories :

Table 14.1 Primary Land-Use Zoning Categories

<i>Land Use Zoning Objective</i>	<i>Abbreviated Land Use Description</i>
Z1	Sustainable Residential Neighbourhoods

S14.8.1 **Sustainable Residential Neighbourhoods – Zone Z1**

Z1 “To protect, provide & improve residential amenities”.

Z1 Permissible Uses – include Residential.

(see copy of pg. 238 attached)

S16.2.1 **Design Principles**

“..... Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context, and have regard to :

1. The character of adjacent buildings, the spaces around and between them and the character and appearance of the local area and the need to provide appropriate enclosure to streets
2. The character, scale and pattern of historic streets, squares, lanes, mews and passageways
3. Existing materials, detailing, building lines, scale, orientation, height and massing, and plot width
4. The form, character and ecological value of parks, gardens and open spaces, and
5. Dublin’s riverside and canal-side settings.

All development proposals should contribute to the creation of attractive, active, functional and publicly accessible streets and spaces (between buildings), promoting connectivity, walking and resisting the gating of streets. Gated developments will be discouraged as they prevent permeability.

S16.10 **Standards for Residential Accommodation**

S16.10.2 **Residential Quality Standards – Houses &**

S16.10.3 **Residential Quality Standards – Apartments & Houses**

These provisions set out Standards under the following ‘Headings’, applicable to the proposed development :

- Floor Area
- Aspect, Natural Lighting & Ventilation
- Private Open Space
- Public Open Space
- Safety & Security
- Acoustic Privacy

(see copy of pg. 311 attached)

S16.10.9 **Corner / Side Garden Sites**

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large 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.

The Planning Authority will have regard to the following criteria in assessing proposals for the development of corner / side garden sites :

- 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.

S16.10.10 Infill Housing

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, 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.

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.

S16.38 Car Parking Standards, &

S16.39 Cycle Parking

- a Maximum of 1.5 car parking spaces may be provided
- requirement to provide at least 1-cycle parking space

Appendix 5 **Roads Standards** for Various Classes of Development

Residential : where driveways provided – to be at least 2.5m or, at most, 3.6m wide, and shall not have outward opening gates.

Design Guidelines set out in the Planning Authority’s ‘leaflet’ – ‘Parking Cars in Front Gardens’, shall also apply.

5.3. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **1st Party Grounds of Appeal – Anne O’Neill (c/o Jova Planning Consultants, dated 18/03/2020) :**

Grounds of Appeal and Supporting Material

The grounds of appeal are set out fully in the documentation dated 18th March 2020, received by the Board date stamped 24th March 2020. These may be summarised as follows :

6.1.1. **Issues Raised by the Planning Authority in the stated Refusal Reasons :**

- Clarify that the arguments made within the appeal submission are to be read as supplementary to the applicants “original cover letter accompanying Planning Application **Ref.2009/20** and addressing relevant planning issues relating to the proposed development.
- New issues are addressed in this response submission by the applicant, structured around the Planning Authority’s stated ‘Refusal Reasons’.

6.1.2. Refusal Reason No.1

Private Open Space Provision

- Having regard to the physical location of the application site, distinguish that reasonable consideration exists for the sites location within –
 - the ‘inner suburbs’ (ie. as defined per the Dublin City Development Plan), and
 - the ‘inner city’ (ie. within the area of the Luas Cross City S49 Supplementary Development Contribution Scheme).

- Reference the Standards provided by the City Development Plan 2016-2022, for the provision of ‘private open space per bed space’, as follows –
 - ‘Outer City / Inner Suburbs’ – 10m² private open space per bed space
 - ‘Inner City’ – 5m²-8m² private open space per bed space

- The proposed development provides for adequate rear gardens of 41m² for each of the proposed 4-bed dwellings, and 36m² for the existing 3-bed dwelling, in compliance with ‘inner city’ requirements. However, the ‘Deputy-City Planners’ report requires that the application site meet the Standards for location within the ‘Outer City’ as follows –
 - Gardens of 60m² for the proposed dwellings, and
 - Garden of 50m² for the existing dwelling

- Argue the Planning Authority has applied an overly strict interpretation of the residential development standards set out in the City Development Plan 2016-2022, which itself –
 - Contains provisions allowing for relaxation of Standards within both the Inner and Outer City (Section 16.10), and
 - States the City will favourably consider higher density proposals on under-utilised infill sites, which provide good quality accommodations and respect the character and amenities of the area (Policies QH7 & QH8).

- Of further relevance, the DHPLG Guidelines ‘Sustainable Residential Development in Urban Areas (2009), provides for “Inner Suburban / Infill Areas” that are proximate to existing, or due to be improved transport corridors, as follows –
Section 5.9 – *“In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill”*
- Accordingly, the proposed development provides for adequate rear gardens, of c.7m² for both the proposed dwellings (41m² – 6-bedspaces), and existing dwelling (36m² – 5 bed-spaces), for an inner suburban location accessible to existing amenities, services and public transport, including the LUAS Cross City.
This is in accordance with National and regional policies, and Ministerial Guidelines which promote compact development and sustainable urban densities on infill lands, with a greater focus on qualitative rather than quantitative Standards.
- Notwithstanding, should the proposed development not be considered to provide for adequate residential amenity for the proposed 4-bed dwellings, the applicant states a willingness to revise the proposed development so as to provide for 3-bed dwellings (5-bedspaces) on a smaller footprint. This would provide for c.40m for the existing dwelling and c.50m for each of the proposed new dwellings.
- Consider such revision would require only minor amendments to the site layout and design, and could be achieved by way of Condition.

Overlooking

- City Deputy Planning Officers report addresses concern at the overlooking of adjacent residential properties to the north and south of the application site. These being the rear gardens of No.47 Old Cabra Road ‘Everton House’ to the north, and No’s.1-4 Doon Avenue to the south.

- Reference the general pattern of residential development locally, “is that many of the properties are overlooked by their neighbours.
- Referencing established precedent for similar development of infill sites at No.9 Glenard Avenue and No.6 Doon Avenue, assert the proposed development is in keeping with the general character and pattern of development locally. In this regard emphasise that a balance needs to be struck between the protection of existing residential amenities, and the promotion of increased residential densities.
- Emphasise further that –
 - No established ‘building line’ exists locally; and
 - The proposed dwellings would not be prominent in views from Doon Avenue (as stated in the Dep-City Planners report).
- Reference the Boards attention to the applicants “original cover letter accompanying Planning Application **Ref.2009/20** and addressing relevant planning issues relating to ‘overlooking’.
- Notwithstanding the above, should the ‘substantive issues remain, the applicant “is willing to reduce the scale of the proposed dwellings to 3-bed on a smaller footprint and increased boundary separation distances if required to mitigate against any significant impacts as required”.

6.1.3. Refusal Reason No.2

Impact on the Character and Setting of Everton House

- Application site adjoins the southern boundary of No.47 Old Cabra Road, which contains a ‘Protected Structure – Everton House’.
- Reference relevance of ‘Architectural Heritage Protection Guidelines for Planning Authorities (2011)’, as setting out guidance “to support Planning Authorities in their role to protect the architectural heritage” in the face of threats of impacts from development.

- Chapter 13 provides guidance in relation to proposed works outside the curtilage and attendant grounds of a Protected Structure, or outside an ACA.
- When assessing development which could potentially impact the character and setting of a Protected Structure, the Guidelines set out that “features within the curtilage and attendant grounds of a Protected Structure can make a significant contribution to the character of that structure”. In this regard, the Guidelines set out advice regarding identification of Special Features for protection, including – a designed landscape, boundary walls, ancillary buildings or other features of interest within the grounds (see Section 13.3).
- Reference the Guidelines recommend that “the Planning Authority should be clear about what land, structures or features it wants to protect ... be specifying them within the RPS as features for protection within the attendant grounds of the Protected Structure, and notifying all owners and occupiers. Alternatively, the Planning Authority has the power to establish an ACA to include the land, structures or features it wishes to protect”. (see Section 13.2.5).
- Distinguish that neither the application site, or No.47 Cabra Road are part of an ‘Architectural Conservation Area’ (ACA) and that RPS1088. Further, “RPS1088 does (not?) list any special features or views that would contribute to the special character and setting of ‘Everton House’”.
- Note further that the Planning Authority’s decision was not informed by any Interdepartmental ‘Architectural Heritage Assessment’, or reports. Nor were there any objections to the proposed development from either of the ‘Architects’ or ‘Heritage’ Division of the City Council.
- Having regard to the above, assert understanding that the basis for ‘refusal’ is more related to the potential impact of the proposed dwellings on the visual and residential amenities of Everton House, than on any defined special character and setting of the Protected Structure, as set out in stated Refusal Reason No.2.

- Accordingly, challenge the validity of Refusal Reason No.2 as not being based on any clear evidence or heritage assessment, and that such refusal reason “would have an unnecessarily negative impact on the development potential of sites in the vicinity of Protected Structures”.

Impact on Visual and Residential Amenity of Everton House

- Notwithstanding that the impact on the amenity of Everton House is not cited in Refusal reason No.2, the potential impact of the proposed development on adjoining amenities is relevant to Refusal Reason No.1, and is addressed accordingly.
- Note the Deputy City Planners report refers to “glimpsed views of the existing dwelling at No.4 Doon Avenue available in the view through Everton House from Old Cabra Road, with the views screened by landscaping which rises up to c.6-7m high. The proposed dwellings are sited within 16.5m of Everton House (No.4 Doon Avenue is c.34m away), and they are likely to be much more prominent in this view from Old Cabra Road”.
- In this regard, reaffirm that RPS1088 does (not?) list any special features or views, including from Cabra Road that would contribute to the special character and setting of ‘Everton House’. Furthermore, the Deputy City Planners report notes that “the proposed dwellings would not be overly prominent in available views”.
- Further, the report states that :
 “Were permission to be granted for the proposed dwellings, substantial screening would be required along the northern property boundary, in order to mitigate the visual impact on the Protected Structure, and also to protect the residential amenity of the occupiers of Everton House, from overlooking. Any such screening would be substantial, and it would significantly impact on the quantum of private open space available to either dwelling. Such mitigation is therefore not appropriate, and a refusal on the basis of the impact on Everton House is warranted”.

- In addition, the applicant notes the assumption made in the Deputy City Planners report that significant boundary screening is to be provided. However, the proposed development “does not propose to remove or alter any boundary features, other than to increase the height of the existing wall by 800mm to match the existing 2.2m boundary wall to the rear of the existing dwelling at No.9 Doon Avenue”.
- The proposed dwellings would also maintain a separation distance of 16.5m from Everton House. This is in excess of the established separation distance between Everton house and the existing dwelling to the side of No.9 Glenard Avenue, which also adjoins the rear boundary of Everton House.
- Accordingly, submit the proposed development would provide for quality accommodation, in character with similar infill development locally, including the neighbouring site to the east, which also adjoins the boundary of the Protected Structure.
- Notwithstanding the above, should the Board require such, “the applicant is willing to reduce the height and scale of the dwelling to match the existing dwelling at No.9 Doon Avenue and increase boundary separation distances to address any outstanding issues, as outlined previously”.

That the proposal would set an undesirable precedent for similar forms of development

- Assert the Planning Authority decision did not have due regard to the pattern of development, and the planning permissions granted in the area.
- This includes permission for an infill dwelling on the adjoining property to the east, in the side garden of No.9 Glenard Avenue. This permission also adjoins the rear boundary of Everton house, and “sets an established precedent for similar forms of infill development”.

Permission was originally granted form a 3-bedroom house (**PL29N.210349**), with subsequent permission for an extension resulting in a 4-bedroom house (Ref.**6235/06**).

- Reference permission granted under Ref.2951/15, to construct a dwelling attached to the side of the existing 2-storey house at No.6 Doon Avenue, and creating a terrace of 4no. houses – establishing precedent for similar infill development on Doon Avenue.
- Accordingly, submit that this ‘Refusal Reason’ “is unwarranted having regard to the existing established precedents for similar forms of development both on Doon Avenue, and in the surrounding area”.

6.1.4. **Conclusion**

- Conclude ‘Hope’ the Board will grant planning permission for the development, as proposed. Alternatively, such permission to include Conditions that would mitigate against any of the issues raised in ‘Refusal Reason No.1’, regarding the protection of established amenities of the area.
- ‘Refusal Reason No.2’, which appears not to be based on any clear evidence or heritage assessment, is not valid. Hopeful the Board will find ‘Refusal Reason No.2’ inconsistent with the proper planning and sustainable development of the area.
- Conclude ‘Hope’ that the Board “will look favourably upon this development which –
 - provides for high quality accommodation,
 - provides for increased residential densities on an underutilised infill site, located in an established urban area, in close proximity to existing amenities, services and public transport, including the LUAS Cross City Corridor,
 - complies with Ministerial Guidelines, and

- complies with the policies outlined in the Core Strategy of the Dublin City Development Plan 2016-2022.

6.2. Planning Authority Responses

6.2.1. None.

6.3. Observations

6.3.1. **M. Hyland and S. Grant (c/o 4 Doon Avenue, Cabra, Dublin 7, rec. date stamped 10/06/2020)**

- Reiterate their Observations made within their 3rd party 'Objection' submitted to the Dublin City Council, together with the details contained within the Dublin City Councils 'Planners Report' which recommended refusal of planning permission for the proposed development.
- Detailed reference to the Planning Authority's stated 'Refusal Reasons'

Scale and Design

- Serious concern regarding the height of the proposed new dwellinghouses, and their impact –
 - on adjoining dwellings within Doon Avenue, and particularly
 - on 'Everton House' (adjoining to north), identified as a 'Protected Structure' (RPS Ref.No. 1088) within the City Development Plan 2016-2022.

Layout

- The drawings submitted indicate that rear gardens of 41.2m² and 40.7m² respectively, are to be provided to the rear of the proposed dwellings.
- A garden of c.36m² is to be retained for the existing dwelling.
- In each case, the quantum falls significantly below the required level.
- Reference that for the proposed dwellings, gardens of 60m² are required. For the existing dwelling, a garden of 50m²

- In this regard, note the applicants claim that the application site is located within the 'Inner City', thereby enabling provision of a reduced quantum of private open space.
- Assert site location within the 'Outer City', wherein private open space is required in accordance with the "above-outlined rate".
- Note further, applicant's reference to additional private open space to the front. Such space is not considered as appropriately contributing towards private open space provision, noting its location where it would experience no privacy.

Impact on Neighbouring Properties

- Serious concern regarding overlooking of the adjoining property to the north, and several of the south adjoining properties.
- Overlooking of properties to the south, along Doon Avenue, would be via the front facing bedrooms, which would directly overlook a number of rear gardens
- With respect to their own property at No.4 Doon Avenue, it was misleadingly stated that the proposed new dwellings 1st floor windows face the side wall of their property (No.4). Rather, they assert "the 1st floor windows will not be looking at a wall, they will be looking onto our bathroom, kitchen and bedroom windows".
- Reference further, the applicants reference to the precedent set by the existing 1st floor windows in the side extension of the existing house.
- In this regard, Figure 1 and Figure 3 enclosed, clarify this as a "wholly inaccurate statement as the referenced window is not visible".
- The statement that the proposed development should not significantly impact adjoining residential amenities by way of undue overlooking and overshadowing, is completely unfounded. The proposed development "will directly overlook our property and rear garden".
- Regarding overshadowing, request that "a 'Right to Light' Survey" be completed, substantiating claims that there will be no undue overshadowing from the proposed new development onto their property.

6.3.2. **John McGurk (c/o 4 Glenard Avenue, Cabra, Dublin 7, rec. date stamped 10/06/2020)**

General –

- Emphasise the visual amenity enjoyed from his ‘Kitchen Garden View Window’, described as “a lovely skyline and at night geometric house profiles”.
- Traffic movements on Ellesmere Ave. is a problem. Extra housing development on Doon Ave. would exceed current limits and present a problem for children living locally.
- Emphasise strong objection to the proposed development, “looking at what has happened to my Glenard Ave. with the building of one not two houses, two feet from one of my garden walls before never morning noise, now from 6.00am on (24/7).

‘Summary of Main Points’ submitted as follows –

The proposed development –

- ... “would Destroy the Private Enjoyment of our Garden, and Light loss”.
- Poses a serious threat to elderly folk, but more so to Children living in Doon and Ellesmere Avenues.
- Negative impact and disruption to residential amenity locally consequent of demolition and construction activity works associated with the proposed development (ie. hours of operation; noise; traffic movements; dust / air-pollution; deposition on local roads; etc.). Highlight the impact of the COVID-19 pandemic on the likely duration of and impacts of construction activities locally.
- Have a serious effect on their house and property value. Question “Who would buy a house with a ‘prison type garden’ ?”
- Question what would be the impact of the proposed development on his ‘Mental Health’ ?
- If granted planning permission, the proposed development would result in double the existing level of loss of natural light consequent of existing proximate development.
- Emphasise personal health issues, which would not be assisted should the proposed development go ahead.

7.0 Assessment

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Planning History of the Application Site and Surrounds
- Principle and Location of the proposed development
- Visual Amenity Impact : Townscape / Streetscape
- Residential Amenity Impact
- Road Access and Traffic Safety
- Applicants proposed amendments / revision to the proposed development
- That the proposed development would set an undesirable precedent for similar forms of development
- Appropriate Assessment.

7.2. Planning History of the Application Site :

7.2.1. I have taken careful note of the planning history of the application site, and that apparent of the proximate environs. The relevant planning history documentation has been submitted by the Planning Authority, and may be found on the appeal file (see ref.**2009/20**).

7.2.2. Having preliminary regard to the 'Z1 – Sustainable Residential Neighbourhoods' Zoning Objective, and to the relevant provisions of Section 16.10.9 and 16.10.10 amongst others, of the Dublin City Development 2016-2022, I have no objection 'in principle', to the proposed residential development of the 'side-garden', 'infill' type application site. I am of the opinion however, notwithstanding this planning history, that each case must be considered on its own merits, and that the current application be deemed a new application.

7.2.3. However, as acknowledged and emphasised by both the Planning Authority and the 1st Party Appellant, this contextual residential neighbourhood at Doon Avenue, D7 has a distinctive built character, pattern of development and associated amenity, which requires careful maintenance. This is enhanced by the proximity of the ‘Everton House – Protected Structure’ property (No.47 Old Cabra Road, RPS Ref.No.1088), adjacent and to the north of the application site. The current proposed development itself, as acknowledged by the Planning Authority in the deputy planning officers reports, challenges the existing structure and pattern of residential development, and associated character. Notwithstanding the need to consider each application on its individual merits, I believe that the planning permissions both historically granted and refused proximate to the application site, provide a benchmark or reference against which the merits of the current application may be measured for its compliance with prevailing statutory planning and development frameworks, which facilitate and enable the proper planning and sustainable development of the area. Such consideration becomes relevant in my view, having regard to the applicants arguments submitted on appeal that the established surrounding pattern of residential development, consequent of planning permissions historically granted, have enabled “an established precedent for similar forms of infill development” such as that currently proposed.

7.3. Principle and Location of the proposed development :

7.3.1. Public policy advocates that residential development driven by urban areas should take place, as a general principle, within the built-up urban areas and on lands identified through the Development Plan process, for integrated, serviced and sustainable development. In the case of the current application, this context is provided for by the Dublin City Development Plan 2016-2022 in particular, which sets out the way forward for the urban growth and development of Dublin City.

7.3.2. The application site is zoned “Z1 – Sustainable Residential Neighbourhoods”, with the objective to protect, provide and improve residential amenity. The applicable zoning matrix designates residential land use as being permitted in principle within the zone. The “Z1” zoning objective therefore seeks to ensure that any new development within existing neighbourhoods has minimal impact on, and enhances existing residential amenity.

7.3.3. If the Dublin City Development Plan 2016-2022 is intended as providing the way forward for the proper planning and sustainable development of the area, then the application site must be regarded as being appropriately located within residentially zoned (ie : 'Z1 – Sustainable Residential Neighbourhoods') and serviced lands within the Doon Avenue residential precinct, Dublin 7.

7.3.4. The challenge, having regard to the proposed architectural and planning design, and the proposed layout of development on the roughly square shaped, application site, together with the relevant requirements of the Dublin City Development Plan 2016-2022, is to ensure the proposed 2no. 2-storey semi-detached dwellinghouse development, has no disproportionate and unacceptable adverse impact on the existing residential development and associated amenities enjoyed by the adjacent neighbours along all 4no. boundaries of the application site, and who's properties front away from the application site onto Doon Avenue, Glenard Avenue and Old Cabra Road respectively.

7.4. Visual Amenity Impact : Townscape / Streetscape :

7.4.1. I have taken note of the established scale and pattern of residential development in the area, comprising three distinct elements being Doon Avenue, Glenard Avenue and Old Cabra Road, as follows :

- The Doon Avenue road frontages are characterised with a mix of 2-storey single and semi-detached houses fronting onto the western side and setback from the road edge, and at the cul-de-sac head (north), and 2-storey terraces fronting directly onto the eastern side of Doon Avenue.
- The Glenard Avenue road frontages are characterised by rows of 2-storey terraces fronting directly onto both of the western and eastern sides of the road. 2-storey single and semi-detached houses characterise the northern cul-de-sac head end of Glenard Avenue.
- The Old Cabra Road frontages are predominantly characterised by 2-storey semi-detached houses on comparably larger properties, well set back from the road edge with a mix of front boundary treatments restricting intervisibility from Old Cabra Road. The exception along Old Cabra Road is No.47 – 'Everton

House’, a large single and substantial 2-storey house, situated on a large property and well set back from Old Cabra Road behind a solid, high wall with mature hedgerow extending above. No.47 Old Cabra Road – ‘Everton House’ is identified as a Protected Structure (RPS Ref.No.1088) within the Dublin City Development Plan 2016-2022. Notably, excepting for the gated entrance onto Old Cabra Road at the north-eastern corner of the property, intervisibility onto the ‘Everton House’ property is effectively screened.

- 7.4.2. The sense of place of this neighbourhood is clearly influenced by the density and pattern of residential development, and by the architectural style, design, and general finishing of the existing houses, all set in a local topographical and environmental context (see photographs attached taken at the time of physical inspection).
- 7.4.3. Excepting for No.47 Old Cabra Road – ‘Everton House’ (Protected Structure – RPS Ref.No.1088), no preservation or protected status is apparent in terms of the Dublin City Development Plan 2016-2022. Notwithstanding, I am empathetic to the approach apparent by the Planning Authority and emphasised by each of the applicant and the 3rd party ‘Observers’, regarding the need for careful maintenance and preservation of this locally unique townscape. I note that the threat of negative visual impact on this local townscape, inclusive of ‘Everton House’ (No.47 Old Cabra Road, Protected Structure RPS Ref.No.1088) was a principal consideration informing the Planning Authority’s decision to refuse planning permission under ref.**2009/20** (see 4.0 above).
- 7.4.4. With regard to each of the Doon Avenue and Glenard Avenue road frontages respectively, in the vicinity of the application site, what is clear in my view as one moves along the southern approach from Ellesmere Avenue is that whilst the existing 2-storey dwellinghouse on the application site is clearly visible from the Doon Avenue approach, no reasonable visibility is possible of the rear of any of the 2-storey houses fronting onto Doon Avenue and Glenard Avenue respectively. Nor is intervisibility possible at all of the eastern half of the application site (ie. ‘side-garden’), on which the 2no. new 2-storey semi-detached houses are proposed to be located.

- 7.4.5. In my view, visibility of the proposed 2no. new houses would only become reasonably possible from Doon Avenue, from the existing gated entrance serving the application site, and which is proposed to enable vehicular access to the proposed houses. Similarly, the possibility for visibility of the proposed 2no. new 2-storey houses, would only be possible from the Glenard Avenue cul-de-sac head, north-westward across No.9 Glenard Avenue and the adjacent single 2-storey dwellinghouse to its west side (ie. 'side-garden' of No.9 Glenard Avenue). Intervisibility possible is obstructed by this existing substantial single 2-storey house and its rear boundary wall shared with the application site, adjacent to the west, supplemented with mature planting and landscaping (See photograph no.10 attached, taken at the time of physical inspection).
- 7.4.6. As referenced above, excepting for the space occupied by the gated entrance off Old Cabra Road onto No.47 'Everton House', no intervisibility is possible at all of the application site, when moving along Old Cabra Road. Further, I am of the view that from the gated entrance onto No.47 Old Cabra Road - 'Everton House', one would have to come to a stand still before discerning the application site across the 'Everton House' property to the south, and which is screened by the existing shared boundary wall supplemented with mature planting and landscaping (see series of 'Google Streetview' imagery attached).
- 7.4.7. Accordingly, I am of the view that no reasonable, disproportionate visibility of the application site from Old Cabra Road to the north, is possible at all. As discussed, any minor intervisibility possible across the 'Everton House' property from the public realm along Old Cabra Road would not in my view, be so significant or disproportionate in itself so as to reasonably substantiate as a negative impact on prevailing visual amenity, and therefore as a 'Refusal Reason' for the proposed development.
- 7.4.8. From the eastern half of the application site, on which the proposed 2no. 2-storey semi-detached, 4-bedroom, c.9.1m high (to ridge height) dwellinghouses are proposed to be located, intervisibility is restricted to the rear elevations and rear yards / gardens of surrounding adjacent residential properties, of which there are only few and which appear generally compliant with Dublin City Development 2016-2022 Standards. However, whereas from the 'public realm' via Doon Avenue, Glenard

Avenue and Old Cabra Road, visibility of the proposed 2no. new houses is confined to the northern cul-de-sac heads of Doon Avenue and Glenard Avenue respectively, and the gap through the gated entrance onto No.47 Old Cabra Road – ‘Everton House’ to the north of the application site, visibility of the proposed 2no. new houses is open and greater at the rear, effecting multiple properties, albeit from their rear yards / private amenity spaces.

7.4.9. Noteworthy in my view, is the anticipated close proximity and tight configuration of available space between :

- The c.15.0m long, c.9.1m high (to ridge height), 2-storey front elevation of the 2no. semi-detached houses from the rear yard, private amenity space of No.4 Doon Avenue (ie. 3rd party Observers – M. Hyland and s. Grant) adjacent to the south, and with the rear yards of the other Doon Avenue terraces extending southward and which in turn back onto the west facing rear elevations and associated rear private gardens / amenity spaces of the ‘Terraces’ fronting onto Glenard Avenue. I reference the separation distance from the rear lateral boundary wall shared with No.4 Doon Avenue to be c.5.3m, having regard to ‘Proposed Site Layout Plan’ Drawing No.AON 01-2019-008, dated 06-11-2019.
- The c.11.0m long, c.9.1m high (to ridge height) east gable end of the eastern of the 2no. houses proposed, from the rear elevation and rear domestic private amenity space of the adjacent house to the east (ie. similarly positioned in the ‘side-garden’ of No.9 Glenard Avenue). I reference the separation distance to be c.4.9m, and
- The c.15.0m long, c.9.1m high (to ridge height) 2-storey rear elevations of the 2no. houses from the south facing gable end of ‘Everton House’ to the north, and with an understood site surface level variance between the two properties of c.2.0m. I reference the separation distance in this instance to be c.16.5m, with the site surface level of the ‘Everton House’ property lower than that of the application site.

7.4.10. In my view, the existing close proximity and tight configuration of available space defining the application site, and the eastern half particularly, by way of the surrounding existing residential ‘built form’, and into which the proposed 2no. 2-storey,

c.9.1m high semi-detached house development is intended to be inserted, is a challenge facing the applicant. I reference this challenge as being towards achieving a reasonable and optimum development of the available space on site, whilst ensuring compliance with the relevant provisions of the Dublin City Development Plan 2016-2022, and the proper planning and sustainable development of the area. I particularly reference as relevant to the consideration and assessment of the proposed development, the policy framework and associated Objectives enabled in the Dublin City Development Plan 2016-2022 at Sections 16.10.9 – ‘Corner / Side Garden Sites’, and 16.10.10 – ‘Infill Housing’ (copies attached).

7.4.11. ‘Proposed Site Layout ...’ Drawing No.AON 01-2019-008, ‘Contiguous Front Elevation’ Drawing No.AON 01-2019-003, and ‘Front, Rear and Side Elevations’ Drawing No.AON 01-2019-002, all dated 06/11/2019, and considered together with the photographs attached taken at the time of physical inspection, enable a good understanding of the threat of potential negative visual amenity impact consequent of the 2no. new 2-storey, semi-detached, 4-bedroom, c.9.1m high (to ridge height) dwellinghouses being constructed in immediate proximity to adjacent existing residential development on all four sides.

7.4.12. In my view, having regard to the design references made by the applicant towards contextualising surrounding existing adjacent residential development, and the architectural design response, height, configuration and massing within the rectangular, 576.7m² site, I believe the proposed 2no. house residential development, and specifically the 2-storey, c.9.1m high (to ridge height) element, proximate to existing adjacent residential development on all sides, will be disproportionately visually prominent and overbearing to adjacent and nearby residents, when viewed from all sides, and noting in the context of the existing 2-storey house on site, that the 2no. new houses located to its east, will be set c.4.0m forward of the existing building line on site established by its front elevation. I share the arguments made by the Planning Authority and by the 3rd parties against the proposed development, in this regard.

7.4.13. I acknowledge that very limited visibility of the proposed domestic 2no. house residential development will be possible from the public realm. However, as discussed and clarified above, the proposed development is so obviously visible and in close adjacent proximity to existing residential development on all four sides so as to warrant due diligence in compliance with the provisions of the City Development Plan 2016-2022. Having regard to the information available, I do not believe that this has been satisfactorily demonstrated by the applicant.

7.4.14. A consequent visual impact must logically and reasonably be expected of any new residential development on the application site. This cannot be avoided, subject to compliance with the Dublin City Development Plan 2016-2022. In my view, application of the provisions of the City Development Plan 2016-2022, should be towards positively enabling reasonable new domestic residential development, whilst protecting residential amenities both of individual adjacent property owners, as well as collectively within the neighbourhood. This outcome is the reasonable expectation of the 'Z1 – Sustainable Residential Neighbourhoods' Zoning Objective. In my view, this has not been successfully demonstrated by the applicant in compliance with the provisions of the City Development Plan 2016-2022.

7.4.15. Having regard to all of the above, I believe the proposed domestic 2no. 2-storey, semi-detached, 4-bedroom, c.9.1m high (to ridge height) dwellinghouses, all at No.9 Doon Avenue –

- will be disproportionately visually overbearing and obtrusive to adjacent and nearby residents,
- consequent of the visually intrusive impact, would disproportionately impact the established character and associated amenity enjoyed within the Doon Avenue residential precinct generally, and of adjacent properties specifically,
- has not demonstrated satisfactory compliance with the relevant provisions of the Dublin City Development Plan 2016-2022, and

would therefore be contrary to the proper planning and sustainable development of the area.

7.5. Residential Amenity Impact :

7.5.1. Residential amenity values refer to those natural or physical qualities and characteristics of the local Doon Avenue neighbourhood, that contribute to the residents appreciation of its pleasantness, liveability and its functional and aesthetic coherence. The Planning Authority, the applicant and 3rd party's understandably want to protect this local amenity, which in my view is supported by the designated 'Z1 – Sustainable Residential Neighbourhoods' zoning objective. The 'Z1' zoning objective over these lands does however enable change, and the inevitable increased intensity of suburban residential land use, but which requires responsible management in the public good. In my view, having regard to all the information available, the proposed modest sub-urban residential development (ie. 2no. 2-storey semi-detached dwellinghouses) will have a significant, disproportionate negative impact on this prevailing residential amenity, and would in itself not enable a satisfactory level of amenity for future new residents, of the 2no. houses themselves.

In substantiating this viewpoint, I have had regard to specific potential threats to residential amenity, as follows :

7.5.2. Visual Amenity – Townscape / Streetscape :

- I consider this to be the case having regard to the discussion of the impact of the proposed development on the prevailing visual amenity, the contextual townscape of Doon Avenue, and the local streetscape at 7.4 above. I affirm the view that the proposed development would significantly and disproportionately, negatively influence the character and quality of the contextual residential amenity enjoyed in the local neighbourhood.

7.5.3. Noise :

- There is understandably an existing ambient noise level prevalent, which derives from the spatial relationship of the adjacent existing Doon Avenue, Glenard Avenue and Old Cabra Road residential communities, to the range of land uses and activities normally associated with a sub-urban environment. I do not believe that levels of noise externality which may result from the proposed residential development will be substantially greater than the existing

ambient noise levels, or those noise levels reasonably to be expected of a built up compact, sub-urban area such as Doon Avenue, within 'North-West', Dublin City.

7.5.4. Overshadowing / Loss of Natural Light :

- Loss of natural light consequent of overshadowing from new proximate development, is a concern with respect to prevailing residential amenity enjoyed by the existing adjacent residents. Section 16.10.2 'Residential Quality Standards – Houses', advocates against the loss of residential amenity consequent of overshadowing, when facilitating new residential development.
- Located to the north, west, south and east of the surrounding adjacent existing residents respectively, having regard to the 2no. 2-storey semi-detached houses proposed, their footprints on the application site, and separation distances from the respective adjacent existing houses, I believe that excepting for the existing No.9 Doon Avenue, 2-storey house to be adjacent and to the west, and set back c.4.0m from the new building line to be established by the 2no. new houses proposed, no serious or disproportionate threat of overshadowing and consequent loss of natural light will result from the proposed development.
- With a separation distance between the side walls of existing No.9 and proposed No.9a , shown as c.0.9m on 'Proposed Site Layout ...' Drawing No. AON 01-2019-008, dated 06-11-2019, and with the front elevation of the proposed 2no. 2-storey semi-detached houses set forward of the existing building line on site by c.4.0m, I believe that throughout the year, and particularly for the ground floor, front / south facing living rooms at No.9, morning direct sunlight / natural light would be blocked, with consequent overshadowing. However, from late morning and for the remainder of the day throughout the year, reasonable direct sunlight / natural light will enter the front facing rooms of existing No.9. I understand that this would be sufficient direct sunlight / natural light through the day to satisfy the requirements set out in BRE

“Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice (2011)”.

- Accordingly, I affirm the view that no serious or disproportionate threat of overshadowing and consequent loss of natural light will result from the proposed development.

7.5.5. **Internal Living Space :**

- In respect of the need for proper internal space planning which ensures adequate standards in relation to overall dwelling and individual room sizes, I am of the opinion that excepting for proposed Bedroom No.1, a satisfactory standard of accommodation will be provided, with enough space for the requirements of modern households in this sector.
- In regard to Bedroom No.1, I share the pragmatic approach apparent by the Planning Authority that further minor internal reconfiguration would allow for the ‘Bedroom’ to achieve the minimum floor area. This could be achieved by way of Condition, should the Board be minded to a grant of planning permission.
- Therefore, subject to such further minor internal configuration, satisfactory compliance with Sections 16.10.2 – ‘Residential Quality Standards – Houses’ of the City Development Plan 2016-2022, and the DoHLGH ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)’, has been achieved.

7.5.6. **Overlooking / Loss of Privacy :**

- Privacy or freedom from observation is a basic qualitative aspect of residential design, and which is acknowledged within the Dublin City Development Plan 2016-2022. The ‘Residential Quality Standards’ set out at Sections 16.10.2 and 16.10.3 seek to ensure that housing layouts achieve reasonable levels of such privacy, both internally and in relation to the adjoining existing built environment.

- Having regard to the 'Proposed Site Layout Plan' Drawing No.AON 01-2019-008, dated 06/11/2019, the Architectural Drawings submitted with the application, and to my observations made at the time of physical inspection (see photographs attached), I believe that the proposed development would unduly and disproportionately threaten the levels of privacy currently enjoyed by the adjacent residents to the south at No.4 Doon Avenue (ie. 3rd Party Observers – M. Hyland and S. Grant) and to the north / rear at 'Everton House' – No.47 Old Cabra Road. I express this viewpoint having regard to :
 - the 2no. 2-storey semi-detached dwellinghouses proposed,
 - their respective footprints and orientation on the application site, proximate to adjacent residential development,
 - the finished floor levels apparent,
 - the close proximity and tight configuration of the front / south facing elevation of the proposed new houses from the north lateral site boundary of adjacent No.4 Doon Avenue, with the separation distance of c.5.3m between the two, and with the 1st floor south facing windows of 2no. bedrooms each within the 2no. proposed houses, directly overlooking the only private amenity space available to the adjacent residents at No.4 Doon Avenue. As proposed, a total of 4no. bedroom windows at 1st floor level, would unduly and disproportionately impact the privacy reasonably expected by the residents at No.4 Doon Avenue.
 - the close proximity and configuration proposed to the north side of the proposed development, with the rear / north facing elevations of each of the 2no. proposed s-storey semi-detached houses separated from the site northern rear boundary shared with 'Everton House' by c.5.0m, and with the south side gable end of 'Everton House' another c.11.5m further north on that property. The threat of and ability to overlook the shared boundary northward onto the private amenity space enjoyed at 'Everton House', would be enhanced in my view, by the ground level of the c.5.0m deep rear yards of the proposed 2no. houses being c.2.0m higher than that of the 'Everton House' Property.

- As proposed therefore, the 2no. new dwellinghouses incorporate rear / north facing bedroom windows (ie.2no. each), which would have close range and effectively unrestricted views over the adjoining 'Everton House' rear private amenity space and gardens. I share the view substantiated by the Planning Authority in this regard. Mitigation of threat of overlooking and consequent loss of privacy to the rear / north is a consideration, to be achieved by way of enhanced shared boundary treatment and supplementary planting and landscaping. However, notwithstanding the practical feasibility of such mitigation measures, the provision of such screening necessary would be substantial, and would directly impact on the capacity to provide a satisfactory area of 'private amenity space' to 'Standard', for each of the 2no. proposed houses (I will address the provision of on-site 'private amenity space' further below).
- Having regard to the above, I believe that each of the adjacent residents to the north and south of the application site (ie. No.4 Doon Avenue and No.47 Old Cabra Road – 'Everton House') would be significantly worse off regarding threat to privacy and associated residential amenity, than is currently the case. As discussed, I believe that potential for mitigation particularly to the rear / north is not reasonably and practically feasible. Therefore considered together with the other serious negative impacts on existing contextual residential amenity (ie. visual amenity impact and substandard on-site private amenity space provision), I share the view substantiated by the Planning Authority that planning permission be refused due to significant and disproportionate impact on prevailing contextual residential amenity.
- In my view, the arguments made by the applicant in this regard, substantiating the 1st Party Appeal, cannot be sustained.

7.5.7. **Private Amenity / Leisure Space :**

- Section 16.10.2 – 'Residential Quality Standards – Houses' emphasises 'private open space' as an important element of residential amenity. Private open space for houses is usually provided by way of private gardens to the

rear or side of a house. A minimum standard of 10m² of private open space, per bedspace, will normally be applied, with up to 60-70m² of rear garden area considered as sufficient for houses understood located within in the 'Outer City'.

- 'Proposed Site Layout ... Drawing No. AON 01-2019-008', dated 06/11/2019, indicates the proposed development to be provided with rear domestic gardens of 41.2m² and 40.7m² for the proposed new dwellings respectively. A rear domestic garden of c.36m² would be retained for the existing dwelling. I note that in each of these cases, the area provided as rear private amenity space falls significantly below that required under the City Development Plan 2016-2022 Standard (ie. for the proposed dwellings, private gardens of 60m² are required. For the existing dwelling house, a garden of 50m² is required). I note this shortfall for the proposed dwellings to be 18.8m² or 31.3%, and 19.3m² or 32.1% respectively. For the existing house on site, the shortfall is 14.0m² or 28%
- In substantiation of the 1st party appeal, I note the applicant's argued conviction that the application site is rather located within the 'Inner City' of Dublin City, and accordingly therefore benefits by way of a reduced area of private amenity space requirement (ie. a 'standard' of 5-8m² of private amenity space per bedspace, as per Section 16.10.2 - Residential Quality Standards – Houses – Private Open Space')

In response rather, having regard to all of the information available, and to both the Planning Authority's and the Boards consistent application of the City Development Plan 20126-2022 standards for the provision of on-site 'private amenity space' within this area of Dublin City, I share the Planning Authority's assertion of the application sites location within the 'Outer City' where the provision of on-site 'private amenity space' is required in accordance with the above referenced 'Standard' (ie. proposed dwellings – 60m², & existing dwelling – 50m²).

- Further, noting this serious shortfall in the quantity of onsite private amenity space provision, no obvious qualities to these spaces are clearly apparent,

which would enable flexibility in consideration of the adequacy of each of the 41.2m², the 40.7m² or the 36m² areas on their own. In my view, a rear private amenity area of good utility and amenity value has not been ensured for each of the 3no. residential properties.

- In this regard I have also noted that, contrary to the applicant's arguments made on appeal, no practically usable private open space exists to the front of each of the 3no. houses, and which could reasonably be anticipated as satisfying the domestic requirements for onsite leisure / recreation space by the residents / occupiers of each house.
- On its own, I have regard to this shortfall in onsite private open space as serious and indicative of potential overdevelopment of the site. In combination with the negative visual impacts and threat to privacy consequent of overlooking impacts discussed above, I consider this shortfall to be sufficient to be considered as a refusal reason for the proposed development. I recommend accordingly.

7.5.8. In Situ 'Views' / 'Outlooks' :

- No designated views exist with respect to the collection of domestic dwellinghouses comprising Doon Avenue.

7.5.9. On-Site Car Parking :

- 'Proposed Site Layout ... Drawing No. AON 01-2019-008', dated 06/11/2019, indicates that space capacity has been set aside for 3no. on-site car parking spaces within the parent 'red-lined' application site. These 3no. spaces are collected at the southwest corner of the site, immediately inside the gated vehicular entrance off Doon Avenue. Whilst not located within the curtilage of each of the 3no. properties, I note that logically, 1no. each of those spaces are intended for each of the 3no. dwellinghouses.

- This quantitative provision is noted as being in compliance with the City Development Plan 2016-2022 Standards (ie. Section 16.38 – ‘Car Parking Standards’, Table 16.1 – ‘Maximum Car Parking Standards’).
- Notably, the 1no. space per dwellinghouse provided is less than the Table 16.1 Standard of 1.5no. spaces per dwellinghouse. However, having regard to the provisions set out at Section 16.38 in terms of which on site car parking space provision below the maximum may be permitted, I am of the view the application site in context, satisfies for such relaxation.
- However, whilst adequacy of quantitative provision is noted, I am inclined to concerns regarding more qualitative operational considerations as to the positioning and layout of these 3no. spaces on site and consequent impacts on residential amenity and safety. These concerns are :
 - The suitability of the space to allow for reasonable vehicular movements on site, and particularly when moving onto, and off the property from Doon Avenue through the entrance. In my view these movements could only be achieved with difficulty, in the manoeuvrability of the vehicles on site, and particularly when all 3no. spaces are occupied,
 - The reasonable potential for ‘vehicle’ vs ‘pedestrian’ conflict. In my view this potential threat to safety would be particularly apparent having regard to the applicant’s claim that any shortfall in the provision of ‘on-site private amenity space’ to the rear of each of the 3no. properties can be supplemented by the residual spaces located to the front of the houses, and
 - The potential for conflict at the entrance off Doon Avenue, both with respect to the 3no. vehicles moving onto and off the property, as well as with Doon Avenue on-street car parking immediately to the front of adjacent No.4 Doon Avenue (ie. 3rd Party Observers – M.Hyland & S.Grant). I note that this space immediately outside the entrance would logically be used by the 3rd Party Observers resident at No.4 Doon Avenue, noting that none of the houses along the eastern Doon Avenue

frontage have 'on-site' car parking space (see photographs attached taken at the time of physical inspection).

- Having regard to all of the information available, I note that neither the Planning Authority or the City Transportation Planning Division have any expressed objection in this regard, and that on-site car parking and associated implications for particularly pedestrian safety did not comprise or substantiate either of the Planning Authority's 'Refusal Reasons'.

To introduce consideration of this issue now, within the 1st Party Appeal, would require its recognition as a 'New issue', with consequent statutory protocols, particularly with respect to new public notice, and enabling input and comment by the parties.

- In so much as detailed consideration has already been given to the threat and impacts of the proposed development on 'Residential Amenity', with the determination of certain impacts so serious as to substantiate 'Refusal Reason' in their own right, I am inclined to the view that further consideration of this issue would not be necessary.

7.5.10. Impacts from Site Works and Construction Activity :

- I do acknowledge the potential for negative impact of construction activity on contextual residential amenity locally, whilst site works and construction activity are on the go. However, I consider that these impacts are only temporary, are to facilitate the completion of the proposed development, and certainly cannot be regarded as unique to this development.
- Further, I consider that given these impacts are predictable and to be expected, they can be properly and appropriately minimised and mitigated by the attachment of appropriate supplementary Conditions to a grant of permission, should the Board be mindful to grant permission, and deem such mitigation of negative impact necessary.

7.5.11. Accordingly, having regard to the above assessment, and specifically my references regarding disproportionate negative visual impact, threat to privacy consequent of

overlooking, and considered overdevelopment of the site having regard to the significant shortfall in onsite private open space, I believe the proposed domestic 2no. 2-storey, semi-detached, 4-bedroom, c.9.1m high (to ridge height) dwellinghouse development, all at No.9 Doon Avenue, is not satisfactorily compliant with the 'Z1 – Sustainable Residential Neighbourhood' Zoning Objective, and accordingly for these 'refusal reasons' would be contrary to the proper planning and sustainable development of the area.

7.6. Road Access and Traffic Safety :

- 7.6.1. The suitability of the application site for residential development will be determined amongst others, with reference to potential for traffic hazards caused by the proposed development, and additional access onto and loading of Doon Avenue and the local suburban road network beyond. The safety and convenience of all road users is emphasised by the Dublin City Development Plan 2016-2022.
- 7.6.2. Whilst discussing the proposed provision of on-site car parking, and the potential threat posed to residential amenity above, I referenced the potential for conflict at the entrance off Doon Avenue, both with respect to the 3no. vehicles moving onto and off the property, as well as with Doon Avenue 'on-street' car parking immediately to the front of adjacent No.4 Doon Avenue (ie. 3rd Party Observers – M.Hyland & S.Grant). I note that this space immediately outside the entrance would logically be used by the 3rd Party Observers, resident at No.4 Doon Avenue, and noting that none of the houses along the eastern Doon Avenue frontage have 'on-site' car parking space. This physical and spatial context is shown in the photographs attached, taken at the time of physical inspection, as well as the single A3 'Google Street-View' Images included.
- 7.6.3. Notable at the time of inspection was that no 'double-yellow' lines were apparent at all along each of the western and eastern Doon Avenue road frontages, and specifically to the front of No.4 Doon Avenue, located immediately adjacent to, and to the south of the entrance onto the application site. Therefore, not only are the 3rd party observers resident at No.4, legally able to park on-street, immediately to the front of their home, but that such on-street car parking would be possible right up to the gated

entrance onto the application site. The clear consequence of such a scenario is that, were a vehicle to be parked proximate to the entrance onto the application site, not only would it not be possible to open the gates (outwards as they appear to exist), but that the vehicular entrance itself would be blocked, preventing any vehicular movement onto and off the site. The movement of vehicles onto and off the application site therefore appear as dependent on 'good neighbourliness', and not parking all the way up to the existing entrance onto the application site.

7.6.4. Again, having regard to all of the information available, I note that neither the Planning Authority, or the City Transportation Planning Division have any expressed objection in this regard, and that concern regarding the vehicular accessibility of the proposed development from Doon Avenue and associated implications for traffic safety did not comprise or substantiate either of the Planning Authority's 'refusal reasons'. Neither was concern expressed in this regard by the 3rd Party Observers, particularly M.Hyland and S.Grant resident at No.4 Doon Avenue.

7.6.5. To introduce consideration of this issue now, within the 1st Party Appeal, would require its recognition as a 'New issue', with consequent statutory protocols, particularly with respect to new public notice, and enabling input and comment by the parties. Rather, in so much as detailed consideration has already been given to the threat and impacts of the proposed development on 'Residential Amenity', with the determination of certain impacts so serious as to substantiate 'Refusal Reason' in their own right, I am inclined to the view that further consideration of this issue would not be necessary.

7.6.6. I would however like to briefly reference what I deem would be a reasonably achievable solution to the above problem regarding site accessibility and associated implications for traffic safety. At the time of my physical inspection of the application site in its surrounds, I had curious regard to the pattern of residential development characterising the cul-de-sac head (northern end) of the neighbouring Glenard Avenue to the east. This can be seen at Photograph No.9 attached, as well as in the copies of Satellite Imagery and O.S. Mapping included on file. As shown, the Glenard Avenue cul-de-sac head is divided evenly in two halves, essentially a western and eastern half respectively, separated by boundary treatment demarcating the 2-halves of what

appear as the original 2no. 2-storey semi-detached houses at this location. The southern end 'gatepost' at the cul-de-sac head is the only physical feature along this frontage. Effectively therefore, each of the existing clusters of residential development at this location, divided into western and eastern halves are enabled with respective shared wide, unblocked vehicular access onto Glenard Avenue, with good sightline visibility southward throughout its length.

- 7.6.7. Transferring this referenced example to the application site, I believe that a similar result onto Doon Avenue could be achieved by the removal of the western front site boundary treatment and entrance pillar. A much wider entrance would result, enabling much improved and safer access, in my view, onto the application site. Success in this regard would in my understanding be dependent on the co-operation and consent of neighbours to the west particularly, and manifest by way of enabling 'land-legal' remedy (eg. right-of-way). Such solution would also require the enabling involvement of the 'Planning Authority' and the 'City Transportation Planning Division'.

7.7. Applicants proposed amendments / revision to the proposed development :

- 7.7.1. In the applicant's 1st Party Appeal submission, and understood as a response to the issues of concern identified by the Planning Authority as having such an unacceptable serious impact on residential amenity particularly, so as to substantiate the stated 'Refusal reasons' by the Planning Authority, a willingness is expressed by the applicant to amend or revise these elements of the proposed development so as to remedy or mitigate such impacts.
- 7.7.2. By expressing such willingness to effect these changes, the applicant concludes a 'Hope' that the stated 'Refusal reasons' would be successfully addressed and overcome, and thereby enabling the Board to grant planning permission for the proposed development, subject to Conditions. Such permission would include specific Conditions ensuring that the changes and amendments to the proposed development offered by the applicant, in mitigation of impact on established amenities in the area, would be implemented.

7.7.3. I recognise, and am empathetic to the applicant's willingness to address and overcome the issues identified by the Planning Authority as seriously impacting on established visual and residential amenity locally. Whilst taken individually, in isolation, the applicant's expressed 'Hope' may be feasible, by way of Condition. However, I am inclined to concern that when several changes / amendments to the proposed development require several Conditions, as proposed by the applicant on appeal, the cumulative impact of these changes begin to undermine the applicants argument, suggesting the development as proposed, as being contrary to the relevant provisions of the City Development Plan 2016-2022, and the proper planning and sustainable development of the area.

7.7.4. The question also arises as to the cumulative impact on the proposed development, from the changes / amendments offered by the applicant to be achieved by Condition. Noting and acknowledging the applicants stated expectation that the scope of the proposed development would be reduced in size, scale, footprint and increased separation distances, the question whether such changes and revision would effectively constitute a new development requiring a new application for planning permission. Such consideration would also be necessary having regard to 3rd party interest in the proposed development of the site.

7.7.5. I am also inclined to the view that notwithstanding these changes offered by the applicant, the consequent revised development proposal would still not comply with the relevant provisions of the City Development Plan 2016-2022.

In illustration of my view, I reference the applicant's proposal to reduce each of the 2no. new houses from 4-bedroom to 3-bedroom each (ie. 5-bedspaces), on a smaller footprint, and thereby mitigating the shortfall in provision of on-site 'private amenity space' identified by the Planning Authority. Whilst the applicant points out an improved c.50m² for each of the new houses proposed, and c.40m² for the existing house on site, such would still be substandard the requirements for on-site 'private amenity space' within the 'Outer City' (ie. 60m² for the new houses each, and 50m² for the existing house).

7.7.6. Accordingly, having regard to the information available in this regard, I am inclined to the view that the applicant's arguments not be sustained.

7.8. That the proposed development would set an undesirable precedent for similar forms of Development :

7.8.1. Whereas the Planning Authority include wording referencing the proposed development as setting undesirable precedent for similar forms of development, the applicant in the 1st Party Appeal submission, rather asserts that the Planning Authority decision itself did not have due regard to the pattern of residential development, and the planning permissions granted in the area. In this regard I understand the applicant to be specifically referencing existing residential development adjacent both the east and west of the application site.

7.8.2. The applicant references the permission granted for an infill dwelling on the adjoining property to the east, and in the side garden of No.9 Glenard Avenue, and which similarly to the application site also adjoins the rear boundary of the 'Everton House' (Protected Structure) property to the north. The applicant in fact emphasises that this adjacent residential development of a single 2-storey 4-bedroom dwellinghouse, "sets an established precedent for similar forms of infill development".

7.8.3. I share the applicant's stated conviction in this regard. Having regard to the comparable and similar sites characteristics in local context, I am of the view that the referenced existing single residential property adjacent to the east indeed enables an established precedent to contemplate the appropriate residential development of the application site, as follows :

- each property / site is located in the side garden of an existing parent residential property located at the northern head of the Doon Avenue and Glenard Avenue cul-de-sacs respectively,
- each property / site is bounded by a row of 2-storey, terraced houses to the south,

- each property / site is bounded by the 'Everton House' (Protected Structure) property to the north,
- a single boundary wall (north to south) separates the two properties / sites (east and west),
- each property / site is generally of the same area, and topographically are level, and
- vehicular accessibility to each property / site is / will be via existing openings / entrances off the Doon Avenue and Glenard Avenue cul-de-sac heads respectively.

7.8.4. So whereas the applicant emphasises that the adjacent single 2-storey 4-bedroom dwellinghouse to the east, "sets an established precedent for similar forms of infill development", I am inclined to the view that this stated established reference has not been followed through with respect to the proper planning and sustainable development of the application site. Whilst domestic residential development has been proposed, with vehicular access off Doon Avenue, I believe the proposed development does not satisfactorily sustain the pattern of established residential development in the immediate proximity, which the applicant holds up as the existing precedent for the proposed development, or against which the proposed development is framed.

7.8.5. In this regard, I reflect that the proposed development is for 2no. houses on a comparably similar sized and configured site, effectively double the density of residential development. As discussed above, and specifically my references regarding disproportionate negative visual impact, threat to privacy consequent of overlooking, and the significant shortfall in onsite private amenity space, I believe the development proposed as being indicative of serious, disproportionate negative impact on established residential amenity, consequent of overdevelopment of the application site. I note that these impacts were not identified as issues in the decisions to grant planning permission for the adjacent single 2-storey dwellinghouse to the east under Ref. **PL29N.210349** and **Ref. 6235/06**.

7.8.6. Therefore, in giving effect to the applicants stated and weighted reference to the adjacent single 2-storey dwellinghouse to the east, as “setting an established precedent for similar forms of infill development”, I am inclined to the view that the logical implication would be for consideration of the merits of a proposal to develop the application site with 1no. 2-storey dwellinghouse and whether the comparative threats to established residential amenity are demonstrated to not be an issue for concern. Having regard to all of the above, I am inclined to the view of such an approach as being appropriate, and which would successfully give effect to the “established precedent” to which the applicant gives noted reference, as well as enabling compliance with the relevant provisions of the City Development Plan 2016-2022. In the context of the applicants references made regarding existing adjacent precedent, I reference Sections 16.10.9 ‘Corner / Side Garden Sites’ and 16.10.10 ‘Infill Housing’ of the City Development Plan 2016-2022 as relevant (see copies of Sections 16.10.9 and 16.10.10 attached).

7.8.7. Accordingly, having regard to the information available and to the assessment of the proposed development above, I am inclined to the view that the applicant’s arguments not be sustained.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and small scale of the proposed development, to the location of the site within a fully serviced suburban environment, and to the separation distance and absence of a clear direct pathway 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.

8.0 **Recommendation**

8.1. I recommend that planning permission be ‘Refused’ for the Reasons and Considerations set out below.

9.0 Reasons and Considerations

1. The proposed residential development, located on a 'side garden', infill and corner site, with limited frontage, by reason of its design, scale, bulk and height, would constitute a visually discordant feature, out of character with the established pattern of residential development in the vicinity, and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, by reason of visually overbearing, obtrusive and intrusive impact, therefore, seriously injure the visual amenities of the area, contrary to the relevant provisions of the Dublin City Development Plan 2016-2022, and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the pattern of established residential development in the area and to the design and scale of development proposed, located on a 'side garden', infill and corner site, with limited frontage, it is considered that the 2no. 2-storey semi-detached dwellinghouses proposed, by reason of the design, height, scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of the adjoining property to the south and north particularly, by reason of overlooking, with consequent loss of privacy. The proposed development would, therefore, be contrary to the applicable 'Z1 – Sustainable Residential Neighbourhoods' zoning objective, and to the proper planning and sustainable development of the area.
3. Having regard to the limited size, and restrictive 'side garden', 'infill' and corner location of the application site, and to the scale of residential development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for future and existing occupants of the proposed and existing houses, and result in overdevelopment of the site by reason of inadequate provision of sufficiently sized, good quality and usable onsite private open space. As proposed, the under provision of onsite private open space would be contrary to Section 16.10.2 of the Dublin City Development Plan 2016-2022, which specifies the provision of 60m² of rear 'private amenity space' for the proposed houses, and 50m² for the existing

house respectively, as required for houses located in the 'Outer City'. The proposed development would, therefore, be contrary to the applicable 'Z1 – Sustainable Residential Neighbourhoods' zoning objective, and to the proper planning and sustainable development of the area.

L. W. Howard

Planning Inspector

10th December 2020