



An
Bord
Pleanála

Inspector's Report

ABP-307269-20

Development	Demolition of garage and construction of detached dwelling, along with shared entrance and off-street car parking.
Location	Site to rear of 58 Howth Road, Clontarf, accessible from Copeland Avenue, Dublin 3.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2052/20
Applicant(s)	Joanne Walsh
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Joanne Walsh
Observer(s)	None
Date of Site Inspection	05 th August 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The application site is located to the rear of No.58 Howth Road. This property forms the corner site with Copeland Avenue and the proposal would front onto and be accessed from this avenue. The site is located approximately 3km northeast of the city centre and has a stated area of approx..182sqm.
- 1.2. An existing two-storey dwelling is located at No. 58 Howth Road, with vehicular access off Copeland Avenue. This house is an example of the architect Michael Scott's modernist work, built circa. 1930. The site the subject of this application is located to the rear of the existing dwelling, where an existing single storey garage and the partial remains of the original outbuildings serving the parent property can currently be seen (walls outlining the internal open yard).
- 1.3. Copeland Avenue is a mature residential street and the area is characterised by two-storey housing of similar character. A number of mature trees are located in the front garden of the property at No.58 and also along the public footpath to the south of the site. An Applegreen Service station is located to the immediate west (rear) of the site.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:
 - Demolition of the existing garage and outbuilding structures.
 - Construction of a detached two storey, two-bedroom dwelling incorporating pitched roof and brick finish.
 - Entrance with off street car parking accessible from Copeland Avenue. Vehicular access to No.58 will be blocked off and the existing dwelling is to have pedestrian access only. The Board should note that a revised 'Proposed Ground Floor Plan' (Ref: DRWG No: F0909-S2-111) has been submitted along with the appeal documents showing a second separate car parking space located adjacent to No. 58, this is to be accessed via a shared entrance which is located within the proposed development's site boundary.
 - Solar panels on roof structure of dwelling and associated landscaping.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- 1. Having regard to Section 16.10.2 'Residential Quality Standards – Houses' of the Dublin City Development Plan 2016-2022 which requires a minimum standard of 10 sq.m of private open space per bedspace and Section 16.10.9 'Corner/Side Garden Sites' of the Dublin City Development Plan 2016-2022 which requires open space standards for both existing and proposed dwellings, the proposed development would provide an inadequate quantity and quality of private open space for the occupants of the existing dwelling, no. 58 Howth Road. 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, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the loss of a car parking space to serve the existing dwelling, no. 58 Howth Road as a result of the proposed development and having regard to the restricted on-street car parking within the immediate vicinity of the site and its proximity to a junction, it is considered that the proposed development is contrary to the requirements of section 16.38 'Car Parking Standards' of the Dublin City Development Plan 2016-2022 which requires provision of 1 car parking space per dwelling for residential properties within Area 2 indicated on Map J of the Dublin City Development Plan 2016-2022. The proposed development would therefore, by itself and by the precedent it would set for other development, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's report reflects the decision of the Planning Authority, the main points can be summarised as follows:

- The proposed development is considered to be acceptable in principle within this Z1 zoning.
- It is considered that the existing dwelling at No.58 Howth Road contributes significantly to the architectural heritage of the area (Michael Scott designed building of circa. 1930s).
- Discrepancies in drawings are noted as follows - The site plan (drawing no. F0909-S2-110) appears to indicate that the entire dwelling projects forwards of the building line to the side of no. 58 Howth Road by approximately 1m. However, the floor plans (drawing no. F0909-S2-111/ F0909-S2-112) submitted with the application indicate that the dwelling will only be partially forwards of the building line of no. 58 (a section 4.35m in width) while the proposed roof profile will overhang a section of the dwelling which maintains the building line of no. 58 (3.2m in width).
- The proposed redbrick finish is considered acceptable and in keeping with the finish on No.58 Howth Road.
- The Area Planner raises an issue with the proposed roof design on the proposed dwelling which is pitched and suggests that a roof finish more in keeping with the adjoining dwellings which all have hipped roofs, or alternatively a flat roof which would reflect the contemporary design of the proposed dwelling may be more appropriate.
- Having reviewed the plans, sections and elevations of the dwelling the Area Planner does not think that the proposed dwelling will allow for excessive levels of overlooking of the adjoining dwellings or reduce existing levels of daylight or sunlight to the property.
- The Area Planner had concerns with regard to the reduction in private open space to the rear of No. 58 as a result of the proposed development and the

overbearing effect that this may cause. However, they state that the large garden to the front of the property at No.58 somewhat mitigates these impacts to a certain degree. The Area Planner however still had major concerns with regard to the overall height of the proposed dwelling and the impact that this may have on the quality of private open space to the rear of the adjoining dwelling at No.58 Howth Road.

- The subdivision of the site will result in a reduced area of private open space to the rear of No. 58 to 22.62sqm, which is significantly below the required quantum as set out in the Development Plan and the Area Planner also highlights concerns of the limited area of this space being unable to attain any quality daylight or sunlight. The planner therefore states that proposed development would have a detrimental impact on the residential amenity of the existing house at No.58 Howth Road.
- Concerns were expressed with regard to the quality of the open space to the rear of the proposed dwelling and the Area Planner suggested that evidence of adequate sunlight hours in the rear garden be demonstrated in line with the 'Site layout planning for Daylight and Sunlight: a guide to good practice' (BRE 209; 2011).
- It is not considered that the existing dwelling at No.58 will result in excessive levels of overlooking to the rear of the proposed dwelling.
- The proposed development will compromise the potential provision of carparking/vehicular access for the existing dwelling at No.58 Howth Road.
- The site layout plan has not indicated the proposed boundary treatment between the existing dwelling at No. 58 Howth Road and the proposed dwelling.
- The extent of the redline boundary needs to be clarified as part of the garage that is proposed for demolition is outside of the applicant's control. A letter of consent should be provided if it is intended to demolish this part of the structure also.
- Having regard to the implications of the proposed development on properties outside of the redline boundary (application site boundary) and outside of the

ownership of the applicant, the planning authority considered that the issues could not be appropriately addressed by way of a request for additional information.

3.3. **Other Technical Reports**

3.3.1. DCC Drainage Division – Report dated 11/02/2020 – No objection to proposed development subject to conditions.

3.3.2. DCC Transportation Planning Division – Report dated 24/02/2020 – further information request - concerns were raised with regard to the loss of car parking for the existing dwelling on site at no. 58 Howth Road. According to the drawings the proposed dwelling intends to utilise the existing entrance that serves No. 58, this would then appear to leave this dwelling without any parking provision or means to access the site. The applicant was therefore requested to clarify if it is proposed to share the vehicular entrance/driveway to serve both dwellings. Details should be provided as to how the existing dwelling on site is proposed to be accessed.

3.4. **Prescribed Bodies**

Irish Rail – No response.

Irish Water – No response.

3.5. **Third Party Observations**

2 no. observations were received on the original planning application. The following points were raised:

- Clarity is required relating to the proposed boundary wall between the proposed dwelling and the adjacent dwelling to the north at No.56 Copeland Avenue.
- Site notice was not in place on date indicated (13th January 2020) and instead appeared a week later
- The proposed development will lead to an over intensification of the site.
- There is inadequate car parking provision on site

- The proposed development will detract from the architectural significance of the house which was designed by architect Michael Scott.

4.0 Planning History

4.1. On subject site:

- P.A. Ref. 0628/96 – 1996 Dublin City Council (DCC) - Permission refused for a two storey, two bedroom apartment building to the rear of No. 58 Howth Road with access from the existing entrance on Copeland Avenue and also new pitched roof on existing house. Reasons for refusal included subdivision and site coverage, design and proximity to existing dwelling, car parking and traffic reasons, inadequate open space and the development would be out of character with the surrounding buildings in the area.

4.2. On adjoining or nearby sites:

- P.A. Ref. 4154/06 – 2006 DCC – Permission granted to erect a pitched roof on top of existing flat roof at No.58 Howth Road.
- P.A. Ref. 3063/02 – 2002 DCC – Permission granted for partial change of use from residential to full day car/childcare facilities (307sqm) at 60 Howth Road and the provision of a one bed apartment and ancillary carparking, with access onto Copeland Avenue.

5.0 Policy Context

5.1. National Guidance

5.1.1. **Quality Housing for Sustainable Communities** – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). The following sections are particularly relevant to the current proposal:

- Section 1.4 Detailed Considerations, Inspection and Report and Subsection 1.4.1 – Infill sites.
- Section 4.3.4 Densities – states '*Infill developments and urban redevelopment projects should respect the character of the existing neighbourhood*'.

- Section 4.3.5 Private Space states '*Provision for private open space should take account of the requirements of the Development Plan for the area*'.
- Table 5.1: Space provision and room sizes for typical dwellings – 2BED/3P House (2 storeys) – Target gross floor area – 70sqm, Minimum Main living Room – 13sqm, Aggregate Living Room -28sqm, Aggregate Bedroom Area – 20sqm, Storage – 3sqm.

5.1.2. **Sustainable Residential Development in Urban Areas** (Cities, Towns and Villages) Planning Guidelines, DEHLG, 2009.

- Section 5.9 Inner suburban/infill:
 - (i) Infill residential development – *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.*

5.2. **Development Plan**

5.2.1. **Zoning**

Land use zoning objective Z1 '*to protect, provide and improve residential amenities.*'

5.2.2. **Chapter 4 Shape and Structure of the City**

- **Policy SC26** – Promote and facilitate innovation in architectural design.

5.2.3. **Chapter 5 Quality Housing**

- **Policy QH8** - To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- **Policy QH13** - Housing design compatible with 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

- **Policy QH22** – To ensure that new housing development close to existing houses has regard to the character and scale of existing houses unless there is a strong design reason for doing otherwise.

5.2.4. **Chapter 16 – Development Standards**

- **Section 16.2.1 – Design Principles**
- **Section 16.2.2 – Design Standards – Sub section 16.2.2.2 Infill development**
 - Within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole.
- **Section 16.5 – Plot Ratio** - The location of subject site falls under Z1 which has an indicative Plot ratio of 0.5 – 2.0.
- **Section 16.6 – Site Coverage** – prevent overdevelopment of site. Current site falls into Z1 zoning – therefore up to 60% of the site is the indicative site coverage for new development.
- **Section 16.10.2 Residential Quality Standards** – Houses – sets out standards to be achieved in new build houses, including consideration of:
 - Floor space
 - Private Open Space – 10sqm per bedspace. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city.
 - Aspects, Natural Light and Ventilation.
 - Separation distance – 22m sought between the rear of 2-storey dwellings.

- **Section 16.10.9 Corner/Side Garden Sites**

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.

- **Section 16.10.10 Infill Housing**

Infill housing should:

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

5.2.5. **Appendix 5: Roads Standards for Various Classes of Development** states:

- Where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates.
- The design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal, as raised in the submission from Brennan/Furlong Consultants, on behalf of the first party appellant and can be summarised as follows:

- The original drawings of the house at No.58 Howth Road indicate that the area directly to the rear of the property in use as a coal shed and garage, accessed

through a walled open yard which in turn were accessed externally through what was noted as a 'trade entrance'. There was no direct access from any of the main living rooms in the dwelling to the ancillary spaces to the rear of the dwelling.

- The appellant has sought to retain and reinforce this relationship between the original property and the main external gardens spaces to the front and side of the dwelling at no. 58. A similar arrangement can be seen across the road at no. 60 Howth Road (The Board should note a photo of this property has been included in the photo record for this file). A creche facility has been added to the rear of the main dwelling therefore removing the private open space to the rear of the property.
- A letter of consent has been attached from the owner of the property at No.58 stating his agreement to allow whatever works may be required to be carried out on his site to facilitate the provision of the new house for the current applicant. This consent includes any demolition works, erection of site boundaries and the provision of planting and boundary treatment to create and define the section of private open space to the front of his property. A revised 'Proposed Ground Floor Plan' (DRWG. No. F0909-S2-111A) showing the planting arrangement to the front garden has been submitted in support of the letter of consent.
- With regard to the second refusal reason, in relation to the loss of onsite carparking at No.58, the appellant states that they wish to clarify their intention to retain the existing vehicular entrance off Copeland Avenue as a shared entrance to serve parking spaces to both properties. The revised drawing 'Proposed Ground Floor Plan' (DRWG. No. F0909-S2-111A) submitted as part of the appeal documents demonstrates the proposed layout. The letter of consent contains a statement confirming the above proposals, signed by both the applicant and the owner of the property at No.58 Howth Road.

6.2. Planning Authority Response

- None received.

6.3. Observations

- None (Invalid observation received – late).

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design
- Residential Amenity
- Access and Carparking
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The site is zoned Z1 'Sustainable Residential Neighbourhoods' with a Land-Use Zoning Objective '*to protect, provide for and improve residential amenities*'.
- 7.2.2. The application site forms part of the rear of the existing property at No.58 Howth Road, a partly constructed outbuilding and a domestic garage are currently situated on the site. It is noted that there are several examples in the locality of additions to domestic dwellings and the incorporation of other uses into the rear of properties with larger back gardens/sites. Of note is No.60 Howth Road, located across the junction with Copeland Avenue to the northeast of the proposed site. This site has a creche located in the former rear garden of the property and also the provision of carparking spaces (P.A. Ref: 3063/02).
- 7.2.3. Residential development, including new dwellings is a permissible use within the Z1 zoning category subject to the sensitive design of development and compliance with policy. As such the proposal is acceptable in principle, subject to the detailed considerations in the sections below.

7.3. Design

- 7.3.1. The applicant has proposed a detached infill two storey, two bedroomed dwelling to the rear of the existing dwelling at No.58 Howth Road, with a total floor area of

80sqm. The current structures on site which are proposed for demolition include a domestic garage and partially constructed outbuildings amounting to 14.6ssqm.

7.3.2. The location of the subject site falls under Z1 which has an indicative Plot Ratio of 0.5-2.0 as outlined under Section 16.5 of the Development Plan. In this case the plot ratio of the proposed development is 0.43 which is marginally less than the indicative standards, however given the nature of the site as an infill development, within an established residential area the plot ratio is considered acceptable. With regard to Site Coverage the standards outlined under Section 16.6 of the Development Plan state that sites within Z1 zonings should have an indicative standard between 45%-60%. The current proposal has a proposed site coverage of 27%, this is to allow for carparking to the front of the dwelling and also sufficient private open space to the rear, the more conservative percentage of site coverage is considered acceptable in this case given the nature of the site as an infill development and the objective to maintain the existing building line which corresponds with the streetscape to the north along Copeland Avenue. The proposed site coverage of 27% in this case also illustrates that there will not be a case of overdevelopment on this infill site.

7.3.3. The proposed dwelling complies with the minimum floor area standards as set out in *Table 5.1: Space provision and room sizes for typical dwellings* of the Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007, this is demonstrated as follows overleaf:

Minimum Requirements for 2BED/3P House (2 storeys)	Proposed development
Target gross floor area – 70sqm	80sqm
Minimum Main living Room – 13sqm	14.2sqm
Aggregate Living Room -28sqm	30.6sqm
Aggregate Bedroom Area – 20sqm	22.8sqm
Storage – 3sqm	4.3sqm

- 7.3.4. The design of the proposed dwelling is contemporary yet reflects the red brickwork on the existing structures on the adjoining sites, including No.58 Howth Road which has particular architectural significance having been designed by Michael Scott and constructed in the 1930s. When observed from the north east of the site the proposed dwelling is similar in scale, height and massing to that of No. 58, however the dwelling will be subordinate to the adjoining dwellings along Copeland Avenue in its scale and building depth.
- 7.3.5. The building line of the proposed dwelling is stepped and respects that established by No.58 to its south with a partial front elevation matching this level. The building line steps out 1 metre on the northern half of the structure however still remains set back from those dwellings located along Copeland Avenue. The roof line of the dwelling is consistent along the front elevation and a slight overhang circa. 1 metre is provided over the main entrance to the dwelling. The building line and roofline are considered acceptable and it is not expected that the design will detract from the character of the adjoining structures.
- 7.3.6. The roof design of the proposed dwelling has a pitched finish with the angle of the pitch in keeping with that of the dwellings on the adjoining sites, this can be seen clearly on Drawing ref: DRWG No. F0909-S2-210. The ridge level of the proposed dwelling is 8.8m, the adjoining dwelling at No.58 has a hipped roof finish which has a finished ridge height of circa. 8m (approved under P.A. Ref. 4154/06 – details of levels presented in drawings state 107.905), therefore the proposed dwelling has a roof height noticeably higher than that of No.58. It should be borne in mind however that the dwellings to the north of the site along Copeland Avenue have a higher ridge height of circa. 9.1metres with a hipped roof finish. If the Board are minded to grant this development I would recommend that the roof design of the current proposal be amended to incorporate a hipped design of similar height to that of No.58 Howth Road. This type of roof finish will be more in keeping with the existing character of the existing dwellings on the street and the refined ridge height would show more respect for that of the established roof height at no. 58 Howth Road.

7.4. **Residential Amenity**

Private Open Space

- 7.4.1. One of the two reasons for refusal was in relation to non-compliance with the open space standards as set out in the Dublin City Development Plan 2016-2022. Section 16.10.2 of the Development Plan requires 10sqm of private open space to be provided per bedspace. The proposed dwelling has two bedrooms, with 3 bed spaces planned, therefore a minimum of 30sqm of private open space is required. According to the drawings submitted approximately 56sqm of private open space is proposed to the rear of the new dwelling, this is considered sufficient.
- 7.4.2. The Area Planner's concerns regarding the quantity and quality of private open space to the rear of the existing dwelling at No.58 are noted. Section 16.10.9 of the Development Plan outlines the standards expected for future development in 'Corner/Side Garden Sites'. These require certain open space standards for both existing and proposed dwellings be met. The site forms part of the rear garden of the existing dwelling at No.58 which is now to be subdivided to provide for a new residential property, with a resultant reduction in open space to approximately 29 sqm to the rear of the dwelling. However, the Board should bear in mind that a significantly large front garden is also available to the residents of No.58 Howth Road, with an area of approximately 172sqm (excluding parking area and side garden area). The applicant's agent has stated that the existing side and rear boundary walls are going to be cleared of excessive planting and repaired therefore providing added space to these areas. In addition the applicant's agent also states that the original drawings for the adjoining house, which was constructed in the 1930s would suggest that the rear garden space was not utilised by the occupants of the dwelling and instead was mainly used as a partial open yard and 'trades' entrance. There was no direct access from any of the main living rooms to the ancillary spaces to the rear of the dwelling, therefore it is suggested that the main useable garden space was in fact to the front of the dwelling at No.58.
- 7.4.3. The applicant and adjoining owner at No.58 Howth Road have discussed the refusal reason and have come to a consensus. A letter of consent has been submitted with the appeal which states that the owner of the property at No.58 consents to all works required to create and define the section of private open space to the front of his property. A revised site layout plan has been submitted with the appeal documents which shows increased planting around the periphery of the front garden at No. 58 to

allow for increased privacy. However, no details of what type of vegetation nor the treatment of existing mature trees on site has been submitted.

- 7.4.4. When coming to a recommendation on this issue I have considered the relevant sections of the Plan including Section 16.10.2 Residential Quality Standards – Houses, Section 16.10.9 Corner/Side Garden Sites and Section 5.9 Inner suburban/infill and the national guidance provided in the Quality Housing for Sustainable Communities, Guidelines 2007. While it is acknowledged that the space to the rear of the property has been significantly reduced, I do not concur with the reasons for refusal in relation to setting an undesirable precedent. A certain degree of flexibility is required when dealing with these Z1 city sites and precedent has been set at no.60 Howth Road, where a previous permission allowed for a change of use from residential to commercial uses and the use of the rear garden for the same purposes and car parking. From an inspection of the site, the front of No. 60 Howth Road would now appear to be used as private open space for use by creche (evidence of children’s play area) and the remainder of the property at No.60. Therefore, in conclusion, if the Board are minded to grant this permission I believe that the issue of private open space can be dealt with by way of condition, to ensure that sufficient private open space and appropriate screening is provided to the front of the existing dwelling at No.58 Howth Road. This will ensure that the residential amenities of the residents of this property will not be negatively affected.

Overlooking

- 7.4.5. It is not considered that the rear garden of the proposed dwelling will be excessively overlooked by the existing dwelling at No.58 as there are currently only two small first floor windows close to the inner corner of the dwellings rear. Another window is located on No. 58’s northern most elevation, this is to face the proposed new southern elevation wall of the new dwelling, therefore no overlooking from this window will be possible.
- 7.4.6. The property to the north of the proposed site is No. 56 Copeland Avenue, this dwelling has several smaller windows located on its southern elevation. While the construction of the proposed dwelling may cause some overshadowing of these window opes, it is not expected that this will be to any significant level so as to have a negative impact on the amenities of the adjoining property’s residents. In addition,

it is not expected that the proposed dwelling will result in any overlooking of the rear garden of No.56.

Overshadowing

7.4.7. The proposed dwelling is to be located to the northwest of the existing house at No.58 Howth Road. Due to its westerly orientation, the existing rear garden of this dwelling does not receive excessive levels of sunlight in the mornings and benefits more from exposure to sunlight in the early afternoon and evenings. The proposed new dwelling is to be located to the north west of the existing house at no. 58 and therefore shall have minimal impact on the availability of sunlight to both the proposed reduced garden of No.58 and to the new garden to the rear of the proposed dwelling. I note that there is a large warehouse type structure located on the adjacent site (southwest) to the rear of the Applegreen service station. This structure creates some manner of overshadowing of the proposed rear garden at certain times of the day, however it is not expected that this over shadowing will be to a significant level as to impact on the amenities of the residents living in the proposed dwelling or the reduced garden space to the rear of No. 58 Howth Road.

7.5. Access and Carparking

7.5.1. I note that the second reason for refusal relates to the non-compliance of the development with the requirements of Section 16.38 'Carparking Standards' of the Development Plan. While the Transportation Planning Division of DCC had no objection to the principle of a new dwelling at the location, the division did raise concerns with regard to the loss of the existing car space at No.58 and also the loss of the vehicular access to same property.

7.5.2. According to the drawings submitted with the planning application, a new boundary wall was proposed separating the new dwelling site from the existing dwelling at No.58, therefore removing any vehicular access to the existing dwelling and providing access and carparking to the proposed new dwelling only. The site is located within Area 2 as identified on Map J of the Dublin City Development Plan 2016-2022. Table 16.1 of the Development Plan outlines that a maximum of 1 no. car parking space is required 'per dwelling' in this area, therefore a separate individual car space is required for each dwelling, existing and proposed. Further information was requested by the Transport Division of DCC at the time to clarify the

issue and afforded an opportunity to rectify the issue of the loss of car parking for the existing dwelling at No.58, the Area Planner however recommended refusal overall.

7.5.3. As part of the appeal documentation a revised Ground Floor Plan has been submitted (Ref. DRWG No. F0909-S2-111) and the applicant has outlined that it is now the intention of the applicant and the adjoining homeowner at No.58 Howth Road to retain the existing entrance onto Copeland Avenue as a shared entrance to serve parking spaces for both properties. A letter of consent from the adjoining landowner has been submitted as part of the appeal documents which demonstrates this agreement. The existing entrance off Copeland Avenue (which currently serves No.58 Howth Road) is to be retained as exists and instead be used as a shared entrance. I note that a similar situation exists on the site directly to the north east at No. 60 Howth Road, where shared access and carparking is provided for both the childcare facility to the rear of the site and the property at no. 60.

7.5.4. Having reviewed the revised proposal submitted as part of the appeal, taking note of the letter of agreement from the applicant and the adjoining landowner, and also the precedent set in the area, I would consider the issue raised in the reason for refusal has been addressed and the proposed amended development now complies with Section 16.38 of the Dublin City Development 2016-2022.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance 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 should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the property in the area. It is considered that the Planning Authorities concerns regarding private open space has been addressed and that adequate provision for both the proposed and existing dwelling has been provided. In addition, adequate carparking space for both dwellings has also been provided. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 2nd day of June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. One parking space shall be for the sole use of the proposed new dwelling and one separate space shall be for the sole use of the existing dwelling at No. 58 Howth Road.

A revised site plan showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Prior to commencement of development the developer shall submit revised roof plan drawings to the planning authority for agreement showing an amended roof design which shall include the following:

(a) A revised roof design to include a hipped roof design in keeping with those of the dwellings on the adjoining sites at Copeland Avenue and Howth Road.

(b) The ridge height of the roof shall not exceed that of the level of the adjoining roof height at No. 58 Howth Road.

Reason: In the interest of visual amenity and to protect the character of this urban area.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) The developer shall submit a detailed landscape plan demonstrating the boundary treatment of the protected front garden area of No.58 Howth Road. This boundary treatment scheme shall provide a screen along the southern, eastern and western boundaries, consisting predominantly of trees, shrubs and hedging of indigenous species, capable of growing to a minimum height of 2 metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black or dark grey in colour only. The brick colour to be used shall be similar to that used in the adjoining residential area.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including access arrangements for construction traffic, hours

of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Máire Daly
Planning Inspector

24th August 2020