



An
Bord
Pleanála

Inspector's Report

ABP-307274-20

Development	Erection of a dwelling with new pedestrian side entrance to rear garden and demolition of rear sheds
Location	1 Brookvale Downs, Rathfarnham, Dublin 14
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0041
Applicant	Breta Dolan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant	Breta Dolan
Observer(s)	None
Date of Site Inspection	21.07.2020
Inspector	Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is on the corner of Brookvale Road and Brookvale Downs approx. 250 metres north of Rathfarnham village.
- 1.2. There is an existing two-storey semi-detached house on site which has a single-storey area to the rear. The existing house is externally finished in render with some red brick to the front elevation and it is typical of the area. There is a low wall to the front of the house with a higher wall along the side boundary to Brookvale Road. There is a shed-type structure in both corners of the rear garden which are proposed to be removed. There is a garden area to the side and rear with a tree line along the side boundary. There is a patio area between the single-storey area of the house and the shed in the north east corner.
- 1.3. The site has a stated area of 0.0314 hectares.

2.0 Proposed Development

- 2.1. The application is for permission for:
 - A detached two-storey two bedroom house with new vehicular entrance and
 - Demolition of rear sheds.
- 2.2. In the planning application submitted to the planning authority the proposed house had a stated floor area of 98.3sqm with an indicated height of 7.43 metres. External finishes are indicated as brick and render with a black slate roof.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a cover letter and a 'Flood Risk Assessment'.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse the planning application for three reasons:

1. The proposed development by reason of its design and architectural detail does not reflect the character of the area and is contrary to the guidance set out in SDCC Development Plan 2016-2022 Section 11.3.2 (ii) Corner/Side Garden Sites; “The architectural language of the development should respond to the character of adjacent dwellings and create a sense of harmony”. The development as proposed therefore, would be contrary to the proper planning and sustainable development of the area.
2. The development on a corner site within an established residential area, is not consistent with the minimum private open space requirement set out in Table 11.20, Minimum Space Standards for Houses in the County Development Plan and the minimum storage standards for houses (Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes Sustaining Communities 2007). The proposed development therefore would be seriously injurious to the residential amenities of future occupants.
3. The development as proposed on a prominent corner site with the proposed vehicular access to the side, would result in a car parking space that is deficient in size. Due to proposed 2.5m high wall framing the sliding garage entrance gate which fronts immediately onto the public footpath, no visibility is available for cars when egressing, resulting in the creation of a traffic hazard for pedestrians and road users. The proposed parking bay to serve the proposed dwelling would therefore endanger public safety by reason of traffic hazard.

3.2. Planning Authority Reports

- 3.2.1. The Planning Report forms the basis of the planning authority decision. The report concludes that, having regard to County Development Plan policies and the provisions of the Quality Housing for Sustainable Communities Guidelines (2007), the proposed development would represent a potential pedestrian and road traffic hazard on the corner site, would provide insufficient residential amenity for future occupants and the design would not reflect the character of the area and would set an undesirable precedent for similar type development.

3.2.2. Other Technical Reports

Parks & Landscape Services – No objection subject to conditions relating to protection of the tree in the adjoining grass margin, provision of a tree bond and boundary treatments.

Water Services – No objection subject to conditions.

Roads Department – Refusal recommended on the grounds the proposed in-curtilage parking space would create a pedestrian and road traffic hazard.

3.3. **Prescribed Bodies**

Irish Water – Observations made. No objection.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. There has been one previous planning application on site:

P.A. Reg. Ref. SD03A/0307 – Permission was refused in 2003 for an end-terrace two storey house fronting onto Brookvale Road because (i) it would change No. 2 Brookvale Downs from a semi-detached to an end-of-terrace house seriously injuring the amenity and depreciating the value of property in the vicinity, (ii) it would create a terrace of houses in an area of semi-detached houses and would be out of character with the area and (iii) would result in an inadequate level of residential amenity due to the narrowness of the house, would be out of character with properties on the streetscape and would be contrary to the zoning objective.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016-2022

5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity'. Residential development is permitted in principle in this zoned area.

5.1.2. Housing (H) Policy 17 (Residential Consolidation) states it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 3 – To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 5 – To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

5.1.3. Section 11.3.2 (Implementation – Land Uses – Residential Consolidation) (ii) (Corner/Side Garden Sites) sets out criteria that should be met such as the site being of a sufficient size, design (building line and roof profile), architectural language and dual frontage.

5.2. Natural Heritage Designations

5.2.1. The closest Natura 2000 site is South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC approx. 5.8km to the east. The closest heritage area is Grand Canal pNHA approx. 3.1km to the north.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced suburban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be

excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made can be summarised as follows:

- Revised drawings have been submitted addressing the first reason for refusal comprising the removal of the double height bay window to the front elevation replacing it with a single-storey bay window and two first floor windows. All proposed materials are consistent with adjoining properties.
- With regard to the second reason for refusal, the single storey area to the rear of the existing house will be removed providing for a 77sqm back garden and the proposed house will have a 55sqm rear garden. Storage space has been provided for within the house. A revised site layout and house plans are submitted.
- The car parking space has been omitted from the rear garden. Parking can be catered for in the off-street parking area on the access road linking Brookvale Downs and Rathfarnham Road which is free of double lines. Bicycle spaces are accommodated in the rear garden. The property is within 135 metres of a QBC.
- The Board's attention is drawn to the precedent at 131 Rathfarnham Road (P.A. Reg. Ref. SD05A/0837) for a house in the side garden.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- House Design
- Private Open Space Provision
- Overdevelopment
- Appropriate Assessment

7.1. Zoning

- 7.1.1. The proposed development is located in an area zoned for residential use. Residential development is permitted in principle under this zoning in the South Dublin County Development Plan 2016-2022. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. House Design

- 7.2.1. The first reason for refusal in the planning authority decision stated the house design did not reflect the character of the area and was contrary to the guidance set out in the County Development Plan 2016-2022 in terms of its architectural language.
- 7.2.2. The proposed house has a narrow footprint reflecting that of its proposed curtilage. While the existing house on site, No. 1 Brookvale Downs, addresses the road to the west, the proposed house addresses Brookvale Road to the south. A dual frontage design was proposed to avoid a 'side' elevation facing onto Brookvale Downs. While similar external finishes were proposed (off-white render, brick and a black slate roof) the house is detached, narrow in form and with a different roof profile to others along the streetscape. The contiguous elevation drawings illustrated the proposed house in the context of the existing houses.

- 7.2.3. The house design has been amended in the grounds of appeal to address the concerns of the planning authority. The two-storey bay window to the side addressing Brookvale Downs has been omitted with a ground floor bay and two first floor windows in lieu. Some alterations have also been made to the south/main elevation in terms of the removal of some windows. The overall height has been slightly reduced by 40mm. Contiguous elevation drawings have also been included in the grounds of appeal. While I do not consider the revised house type to be a significant departure from that submitted with the original planning application, assessment of the house design will be based on that submitted with the grounds of appeal.
- 7.2.4. Section 11.3.2 (ii) (Corner/Side Garden Sites) of the County Development Plan 2016-2022 is cited in the planning authority's first reason for refusal. This subsection refers to, inter alia, a new house responding to the roof profile and architectural language of adjacent houses. On a restricted site such as that subject of the application a house with a similar mass or footprint to those in the vicinity cannot be provided. I note that Section 11.3.2 (ii) (Corner/Side Garden Sites) states that contemporary and innovative proposals that respond to the local context are encouraged.
- 7.2.5. In terms of the design of the proposed house, I consider it to be an innovative design that responds to its site and would have external finishes consistent with existing houses. Passive surveillance is provided to both roads over which it overlooks and it can be read as a contemporary addition to this streetscape. Its height is lower than existing houses and I do not consider it would be visually incongruous. I consider the revised house type as proposed in the grounds of appeal to be acceptable at this location in terms of design and architectural detail (notwithstanding its construction onto the public footpath as set out in Section 7.4 of this assessment).

7.3. Private Open Space Provision

- 7.3.1. The second reason for refusal states the private open space requirement as set out in the County Development Plan 2016-2022 has not been met.
- 7.3.2. Private open space of 45.15sqm to the rear of the house was outlined in the original planning application. An additional 16.36sqm was provided in the front area but as this is overlooked by the public it is discounted as private open space. Table 11.20 (Minimum Space Standards for Houses) of the Plan states 55sqm private open space

is required for a two bedroom house, so there was a significant shortfall. The site layout plan indicated that the existing three bedroom house would retain a rear area of 56.24sqm. This is less than the 60sqm metres for a three bedroom house cited in Table 11.20.

- 7.3.3. The grounds of appeal propose a revision to the site layout to address the issue of inadequate private open space. For the proposed house it is proposed to remove the car parking space and extend the private open space into this area. This would result in a private open space area of 55sqm, the area required by Table 11.20.
- 7.3.4. Revised proposals are contained within the grounds of appeal to demolish the single-storey extension area to the rear of the existing house to increase the private open space area of that house to 77sqm. It was not proposed to demolish this extension area in the initial application. Having regard to the residential amenity of the existing house I consider that the removal of the extension would have a more negative effect on the residential amenity of occupants than retaining the single-storey extension with the property having a limited deficit in the area of private open space.
- 7.3.5. In terms of private open space provision, I consider the removal of the car parking space and consequent increase in private open space provision addresses the planning authority's second reason for refusal for the proposed house in terms of private open space provision (the omission of the car parking space is addressed in Section 7.4). I consider the residential amenity of the existing house would not be significantly affected by the deficit in private open space of less than 4sqm. Therefore, having regard to the grounds of appeal, I consider the private open space issue as set out in the planning authority's second reason for refusal is addressed.

7.4. Overdevelopment

- 7.4.1. There were three reasons for refusal cited in the planning authority decision. I consider that the main issues in the first two reasons i.e. design and private open space, are addressed as set out in Sections 7.2 and 7.3 of this assessment. The third reason for refusal relates to a car parking space that was deficient in size and to the nature of the access/egress to the car parking space.
- 7.4.2. The grounds of appeal propose the removal of the car parking space. This addresses the third reason for refusal and permits an increase in the private open space area

that can be provided for the proposed house therefore addressing the second reason for refusal. However, the removal of the car parking space results in the proposed house having no in-curtilage car parking. The Roads Department report for the planning application states that the normal standard for this location is two parking spaces. Table 11.24 (Maximum Parking Rates (Residential Development)) of the County Development Plan 2016-2022 states that a two-bedroom house in a Zone 2 area (while Rathfarnham Road is not a QBC it does have high quality bus services in terms of frequency) should have a maximum car parking rate of 1.25 spaces. While this is a maximum rate, I consider it necessary for the house to have an in-curtilage space in the interest of residential amenity. An inability to provide a space indicates the site is overdeveloped. The grounds of appeal envisage that car parking for the site can be catered for on the same side of the street where there is a stretch of approx. 20 metres that does not currently have double yellow lines (there is no 'off-street parking area' as referenced in the grounds of appeal). On the morning of the site inspection I noted that there is was very limited available for parking at this location. An additional house with its car parking requirement would intensify the demand for on-street car parking.

- 7.4.3. There are other issues that indicate that the proposed development would result in overdevelopment of the site. The house is to be constructed directly onto the footpath with no set back or no boundary wall. While this type of development is normal in an urban, town centre area it is not typical of the vicinity of the site. Construction directly onto the footpath is necessary because the proposed site is so narrow. The deficient private open space provision to the rear of the existing house also indicates overdevelopment of the site, notwithstanding the comments in this regard in Section 7.3 of this assessment. In addition, there is a tree in the verge to the front of the proposed house. This is not indicated on the site layout plan, but the elevation drawings submitted with the grounds of appeal show an overhang. This tree, which the planning authority's Parks & Landscape Services Section recommended be protected with inclusion of a €1,500 bond to this effect, would likely interfere with the construction of the house.
- 7.4.4. In conclusion, I consider the proposed development would comprise overdevelopment of this restricted site because of the inability to provide a car parking space with adequate private open space, it would result in deficient private open space provision

for the existing house, the requirement to construct the house directly onto the footpath would render it out of character with the existing pattern of development in the area and the existing tree in the verge appears to overhang the proposed house footprint. Therefore, I consider the proposed development would represent overdevelopment of a restricted site and would not be in accordance with the proper planning and sustainable development of the area.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological 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 the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the deficiency in private open space to both existing and proposed houses in the planning application as submitted to the planning authority and the construction of the proposed house onto the public footpath in this suburban area, and the proposal in the grounds of appeal to remove the car parking space from the curtilage of the house, it is considered that the proposed development would constitute overdevelopment of a restricted site area, would be out of character with the existing pattern of development in the vicinity and would result in a substandard level of accommodation for occupants. The proposed development would, therefore, seriously injure the

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

Anthony Kelly

Planning Inspector

24.08.2020