



An
Bord
Pleanála

Inspector's Report

ABP-307618-20

Development	Demolition of annex to side of dwelling, and construction of two storey detached dwelling to side garden.
Location	7, Ferrard Road, Dublin 6, D06 X365
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2045/20
Applicant(s)	Patrick Cassidy & Darine McGinley
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Gerrard Rosengrave & Niall Byrne
Observer(s)	1) Barney & Una Moran 2) Terenure Residents Association
Date of Site Inspection	3 rd September 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 751.7sqm comprises the side extension and garden area of No. 7 Ferrard Road; a two storey semi-detached property located at the end of Ferrard Road, a narrow cul-de sac characterised by two storey detached, and terraced dwellings. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. The proposed development will consist of

- a) demolition of existing annex (75sqm) to side of existing dwelling
- b) construction of new two storey three-bedroom detached dwelling (235.6 sqm) to side garden, with attic and rooflights
- c) construction of new 3.5m vehicular entrance beside existing entrance
- d) new 2.0m high garden walls to form new boundary between dwellings
- e) minor alterations to side and rear fenestration on existing dwelling and all associated site works

2.2. Unsolicited information was submitted on 17th February 2020 comprising a letter from Muscular Dystrophy Society of Ireland setting out the reasons for the proposed house.

2.3. Further information was submitted on the 21st May 2020 summarised as follows:

- The roof has been redesigned as a hipped roof reducing the visual appearance when viewed from the rear gardens of adjoining properties
- On completion there will be a separation distance of min 18m between upper floors of Healthfield Road and the proposal at the nearest point.
- Reference is made to precedent in the immediate vicinity
- There is substantial mature planting stretching to roof height along the boundary between the proposed development and the houses along Heathfield Road providing for screening of the proposed gable

- The proposed is sited to the east of Healthfield Road. This ensures that the houses will not be impacted by issues of overshadowing or loss of daylight and sunlight arising from the proposed development.
- The proposed first floor bedroom has been removed from the western elevation to avoid any issue of overlooking. The remaining window in this elevation does not serve a habitable room

2.4. The response was accompanied by a cover letter, architectural drawings and 3-d visuals.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification of decision to grant permission subject to 8 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report sought further information in relation to compliance with Section 16.10.9, overall height and massing, overbearing impact on the residential amenity of neighbouring dwellings along Healthfield Road and overlooking.
- The **Case Planner** in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Division x 2** – No objection subject to conditions as set out in the report.
- **Transportation** – No objection subject to conditions as set out in the report.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There are 8 no observations recorded on the planning file from (1) Barney & Una Moran, No 6 Ferrard Road, (2) Terenure Residents Association, (3) Niall Byrne, No 11 Healthfield Road & Gerrard Rosengrave, 10 Healthfield Road, (4) Thomas Martin, No 8 Healthfield Road, (5) Laura Muldowney, No 7 Healthfield Road, (6) Simon Ferraro, No 28 Brighton Gardens, (7) Neil Stanley, No 9 Healthfield Road, (8) Michell Lowry, No 7 Ferrard Road.

3.4.2. The issues raised relate to unsympathetic design, scale, impact on adjoining residential amenities, quality of open space provided, overdevelopment, building lines, out of character with neighbouring houses, overbearing, loss of value, overlooking, proximity to adjoining houses, traffic hazard, construction impact, sewer capacity, blocking views and loss of sunlight.

4.0 Planning History

4.1. No planning history has been made available with the file and there is no evidence of any previous appeal at this location

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The site is within an area zoned **Z1 Sustainable Residential Neighbourhoods** where the land use zoning objective is “*to protect, provide and preserve residential amenities*”.

5.1.2. **Chapter 16** sets out detailed policies and standards in respect of development proposals within the city. **Section 16.2.1 – “Design Principles’ and various Development Standards”** provides design principles outlining that “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, plot width
- 4) The form, character and ecological value of parks, gardens and open spaces, and
- 5) Dublin's riverside and canal-side settings."

5.1.3. **Section 16.10.9 Corner/Side Garden Sites** notes that 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 specific criteria contained in the section when assessing proposals for the development of corner/side garden sites such as:

- The character of the street
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings
- Impact on the residential amenities of adjoining sites
- Open space standards and refuse standards for both existing and proposed dwellings The provision of appropriate car parking facilities, and a safe means of access to and egress from the site
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area
- The maintenance of the front and side building lines, where appropriate.

5.1.4. **Appendix 5 - Road and Footpath Standards for Residential Development** states that 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.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development comprising a new dwelling house in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third-party appeal has been prepared and submitted by John Langton & Associates Architects on behalf of Gerrard Rosengrave, No 10 Heathfield Road and Niall Byrne, No 11 Heathfield Road. The issues raised may be summarised as follows:

- The proposed development by virtue of its overall scale, height, bulk and massing will be visually intrusive and overbearing when viewed from the rear of both No 10 and No 11 Heathfield Road and from the surrounding houses on Heathfield Road.
- The extensive brick gable along this façade is a poor-quality elevation and is contrary to the infill development of the City Development Plan.
- The proposed development is contrary to specific Planning Policy Requirements of the Urban Development and Building Height Guidelines for Planning Authorities 2018 as the application fails to demonstrate satisfactory compliance with the criteria set out in the this section to justify the proposed height of the development.
- The proposed development fails to provide an adequate transition in scale to the adjoining properties and the proposed location of the infill building, will result in an incongruous and dominant feature to the surrounding residential development providing little visual relief from the bulk and massing of the structure contrary to the Transitional Zone Areas and as a result will impact on the residential amenities of surrounding properties.

- The further information response does not address the proposed design issues raised and is totally inadequate. The retained windows on the west elevation provide a perception that adjoining rear garden amenity spaces on Healthfield road would be overlooked. There was no reduction in the overall height, scale and massing of the proposed 2 storey gable elevation and its proximity to the site boundary that would result in an overbearing impact on the residential amenity of the neighbouring dwellings along Healthfield Road.
- Requested that the Board be refused.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Joe Fallon Architectural and may be summarised as follows:

- There are mitigating circumstances for this application. The dwelling has been designed to meet the particular care requirements of the applicant's son who has complex needs requiring full time care and intensive therapy.
- This is a sensitively designed, infill family home in an inner suburban location. The redesign of the western elevation at FI stage reduced its visual appearance.
- The building line is not a material consideration in this case.
- The house itself will not be visible from either public street and is tucked away from public view from surrounding roads.
- There will be no issue overlooking presented by the proposed development. The single landing window serves circulation space only and does not provide views from a habitable room.
- The rear gardens of No 10 and No 11 Healthfield Road are substantial in depth and width by any standards and this contributes to a large separation distance between the properties.
- The proposed development will not have an overshadowing effect, given its location due east of the houses on Heathfield Road.
- The height and scale of the development matches other houses along Ferrard Road including recent planning precedent and is lower than the appellants own

homes. The height of the proposed dwellings is informed by and matches with the ridge height of the existing original dwelling and is less than the height of properties along Healthfield Road.

- There is uncertainty as to the relevance of the Urban Development and Building Height Guidelines for Planning Authorities as these support more compact forms of development in existing built up areas such as this.

6.2.2. The appeal was accompanied by a letter from the applicant setting out the reasons for the application together with further information response and architectural drawings.

6.3. **Planning Authority Response**

6.3.1. None

6.4. **Observations**

6.4.1. There are 2 no observations recorded on the appeal file from (1) Barney & Una Moran, No 6 Ferrard Road and (2) Terenure Residents Association.

6.4.2. The issues raised relate to the excessive size, scale and mass of the proposed dwelling, the design breaks the established building line at the front and rear, impact on visual amenity, incongruous design, intensification of traffic movements on this cul de sac, overdevelopment, upper floor windows overlooking the above gardens, the further information made no difference to the overbearing aspect,

6.5. **Further Responses**

6.5.1. None

7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted to Dublin City Council on the 14th January 2020 as amended by plans and particulars submitted by way of further information on the 21st May 2020.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the

key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Visual Amenity
- Residential Amenity
- Height
- Traffic Impact
- Appropriate Assessment.
- Other Issues

7.3. Principle

- 7.3.1. The appeal site is wholly contained within an area zoned Sustainable Residential Neighbourhoods – Z1 where the land use objective is to protect, provide and improve residential amenity and where residential development is considered a permissible use. Accordingly, I am satisfied that the demolition of existing annex to side of existing dwelling and the construction of a new detached dwelling house at this location is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.4. Visual Amenity

- 7.4.1. Concern is raised in the appeal that the development by virtue of its overall scale, height, bulk and massing will be visually intrusive and overbearing when viewed from Healthfield Road. Further that the development fails to provide an adequate transition in scale to the adjoining properties.
- 7.4.2. In response to a request for further information the western elevation of the house was reconsidered, and the roof profile altered to a hipped gable to reduce the visual appearance, size and extent of the dwelling. While the first-floor element will be visible from the rear gardens on Healthfield Road there are substantial tall intervening screen planting between the proposal and the neighbouring houses. It is further noted that the building line with the existing dwelling (No 7) is broken. However, the proposed

house will be tucked away from public view from surrounding roads and I do not therefore consider this matter to be a material consideration in this case.

- 7.4.3. Overall, I consider that the scheme demonstrates a clear understanding of its context and that the contemporary design response is compatible within this area in terms of its design, scale and height and I am satisfied that the scheme will not detract from the visual amenities or character of the area.

7.5. Residential Amenity

- 7.5.1. I note the concerns raised in relation to overlooking and overbearing impact on residential amenity of adjoining dwellings along Heathfield Road.
- 7.5.2. Having regard to the amended plans and particulars I am satisfied that there will be no issue overlooking given that the single landing window at first floor serves circulation space only and does not provide views from a habitable room and that together with the proposed clerestory window to the first floor bedroom will not compromise the privacy enjoyed by the appellants.
- 7.5.3. Further, I agree with the applicant that the proposed development will not have an overshadowing effect, given its location due east of the houses on Heathfield Road. Together with the substantial separation distances will ensure no impact in terms of loss of daylight and sunlight to habitable rooms in the appellants homes.

7.6. Height

- 7.6.1. Concern is raised that the proposed development is contrary to specific Planning Policy Requirements of the Urban Development and Building Height Guidelines for Planning Authorities 2018. For the most part I agree with the applicant in that the relevance of these requirements is unclear as these guidelines generally support more compact forms of development in existing built up areas such as this.
- 7.6.2. With specific reference to the proposed detached dwelling house (as amended) I am satisfied that its scale and height is appropriate to this suburban location and that it respects the height of the adjoining existing dwellings. Accordingly, the proposed height is acceptable at this location.

7.7. Traffic Impact

- 7.7.1. It is proposed to access the new dwelling by means of a new vehicular entrance of 3 metres in width. The new entrance is to be located between the existing vehicular entrances serving No 6 and No 7 Ferrard Road. As documented Ferrard road is a cul de sac with controlled car parking and a turning circle at the end adjoining the appeal site. Given the location of the appeal site I am satisfied that the vehicular movements generated by the proposed development comprising the formation of a new vehicular entrance would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. Accordingly, I am satisfied that the proposed new entrance would provide for a safe means of access to and from the site which will not result in the creation of a traffic hazard.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of the proposed development comprising the construction of a house and its distance 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

7.9. Other Issues

- 7.9.1. **Development Contributions** – I refer to the Dublin City Council Development Contribution Scheme 2020-2023. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dublin City Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14th January 2020 as amended by further plans and particulars submitted on the 21st May 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

4.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health</p>
5.	<p>The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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.</p> <p>Reason: In order to safeguard the residential amenities of adjoining property in the vicinity</p>
6.	<p>All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction activities and vehicular / pedestrian movements on Ferrard Road. Details shall be agreed with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In the interests of traffic and pedestrian safety</p>
7.	<p>a) The vehicular entrance shall be at most 3.0m in width and shall not have outward opening gates.</p> <p>b) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department, to include removal of double yellow lines as relevant</p> <p>c) All costs incurred by Dublin City Council, including any repairs to the public road and services be necessary as a result of the development, shall be at the expense of the developer.</p> <p>d) The developer shall be obliged to comply with the requirements set out in the Code of Practise.</p> <p>Reason: In order to ensure a satisfactory standard of development</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p>

	Reason: In the interest of visual amenity
9.	<p>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. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<p>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 the 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission
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Mary Crowley

Senior Planning Inspector

12th October 2020