



An  
Bord  
Pleanála

## Inspector's Report ABP308595-20

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<b>Development</b>	Construction of a dwelling in a side garden.
<b>Location</b>	32A Greencastle Drive, Coolock, Dublin 17 D17 HD80.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3213/20.
<b>Applicant</b>	Joe Denham.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant</b>	Joe Denham.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> January, 2021.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP308595-20 relates to a first party appeal against the decision of Dublin City Council North to issue notification to refuse planning permission for the construction of a dwellinghouse in a side garden at No. 32A Greencastle Drive, Coolock, Dublin 7. Planning permission was refused for a single reason which stated that the proposed dwelling with its position significantly forward of the building line and the incorporation of a dormer style design with an A symmetrical gable would seriously injure the visual amenities of the area.

## 2.0 Site Location and Description

- 2.1. The appeal site is located in a side garden at No. 32A Greencastle Drive in the suburban area of Coolock c.7 kilometres north-east of Dublin City Centre. The subject site is located at the junction of Greencastle Drive and Macroom Road. The suburban area dates from the late 1960s/early 1970s and comprises of blocks of two-storey semi-detached dwellings. No. 32A is located at the northern end of a block of dwellings facing westwards. It comprises of a two-storey detached dwelling which is later in origin than the adjoining dwellings. The local authority planner's report indicates that No. 32A was constructed under Reg. Ref. 2751/98. Planning permission was granted in November 1998. Notwithstanding the development of the newer house, No. 32A still incorporates an extensive side garden to the north of the existing dwellings. This side garden is surrounded by a low masonry capped wall c.1.2 metres in height. A low boundary wall separates the subject site from the side garden of No. 79 Macroom Road. The site has a total site area of 255 square metres (0.0255 hectares).

## 3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a dormer dwelling on the subject site. The house faces westwards onto Greencastle Road and incorporates a wider front elevation than the adjoining suburban houses along Greenfield Drive. The dwelling also incorporates a slightly lower ridge height at 6.56 metres (the ridge

height of the adjoining dwellinghouses rise to approximately 7.5 metres). The dormer style bungalow incorporates two projecting dormer windows on the front roof pitch as well as velux light. The footprint of the dwelling is set forward just over 2 metres from the established building line of the dwellings fronting onto Greencastle Drive. A small protruding porch is located centrally on the front elevation. The dwellinghouse is to incorporate an asymmetrical roof pitch and the rear elevation incorporates a two - storey rear elevation. The bedrooms at first floor level are single aspect, with the natural light requirements served by a dormer window within the roof pitch on the front elevation. There are no windows on the rear elevation at first floor level. A living room dining area and kitchen is located at ground floor level with two double bedrooms at first floor level. A plaster finish is proposed on the external elevation. A new vehicular entrance and off-street car parking space for one car is proposed onto Greencastle Drive.

## 4.0 Planning Authority's Decision

### 4.1. Decision

4.1.1. Dublin City Council refused planning permission for one reason. This reason is set to in full below.

1. *Having regard to the prominent location of this corner site on the junction of Greencastle Drive and Macroom Road, it is considered that the proposed development, by reason of its positioning significantly forward of the established building line on Greencastle Drive and Macroom Road and the proposed dormer style design with an asymmetrical gable profile, would be a visually obtrusive element on the streetscape and would be incompatible with the predominant form and character of the two-storey terrace of dwellings in the area. The proposed development would, therefore, seriously injure the amenities of the area, set an undesirable precedent for development, be contrary to the provisions of Section 16.10.9 of the Dublin City Development Plan 2016 – 2022 and be contrary to the proper planning and sustainable development of the area.*

## 4.2. Planning Authority Assessment

- 4.2.1. The planning application was received from Dublin City Council on 17<sup>th</sup> August, 2020.
- 4.2.2. A covering letter submitted with the application provides details of the internal space of the dwellinghouse stating it complies with the relevant quantitative standards set out in accordance with “Quality Housing for Sustainable Communities” (2007). Details of the foul and surface water drainage are also set out.
- 4.2.3. A report from the Drainage Division states that there is no objection to the proposed development subject to standard conditions.
- 4.2.4. A report from the Roads, Streets and Traffic Department states that the proposed vehicular entrance of 3.3 metres is considered to be excessive and it is therefore recommended that the vehicular entrance width be restricted to a maximum of 3 metres. It is recommended that if planning permission is forthcoming a total of four conditions be attached.
- 4.2.5. The planning report sets out details of the site description, proposed development, the planning history and Dublin City Council Planning Policy.
- 4.2.6. The planner’s report goes on to state that there are concerns that the proposed development is contrary to the requirements for dwellings to be constructed on side gardens as specified within Section 16.10.9 of the development plan which requires compatibility with existing dwellings and maintenance to the front and side of building lines.
- 4.2.7. It does note that due to the scale and the design of the proposed development, together with the orientation the proposed development, that the proposal will not bring about negative impacts on the residential amenity of the area by way of overlooking and overshadowing etc. Private open space standards are generally considered to be sufficient. However, it is stated that the boundary wall to the rear should be reduced from 3 metres to 2 metres. It is stated that the floor area and internal spaces comply with Section 16.10.2 of the development plan. With regard to natural lighting and sunlight penetration, it is stated that the main double bedroom will not have sufficient levels of daylight although it is considered that the provision of rooflights within the rear of the roof plain may alleviate this issue.

- 4.2.8. The main concerns raised in the planning report relates to the dormer style design of the dwelling which is not in keeping with the two-storey terrace style dwellings which characterise the area. The dwelling will project forwards of the front building line and will be highly visible from the Macroom Road. It is considered that the breach of the building line is excessive and together with the design of the dwelling, the proposal will negatively impact on the character of the street and will not be compatible with existing dwellings.

## 5.0 Planning History

- 5.1. No history files are attached.
- 5.2. The planning report makes reference to the following relevant planning history relating to the site and surrounding area.

Under Reg. Ref. 2751/98 planning permission was granted for a three bedroomed house at No. 32A Greencastle Drive. Planning permission was also granted under this application for a single storey extension to the front of No. 32 Greencastle Drive.

Under Reg. Ref. 3917/07 planning permission was granted for a proposed dormer dwelling within the side garden of No.32A, similar to that proposed under the current application<sup>1</sup>.

Reference is made to other applications in the immediate vicinity where planning permission was granted for dwellings at No. 10 Greencastle Drive and No. 72 and 74 Greencastle Crescent.

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<sup>1</sup> The Dublin City Council Planning Register describes the development under 3917/07 as “planning permission sought for proposed single storey with roof space accommodating dormer windows /rooflights attached house to side of existing house and proposed vehicular access to front”. The actually drawings indicate that permission was sought for a house, similar but not identical to the application currently before the Board.

## 6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to refuse planning permission for the proposed development was the subject of a first party appeal on behalf of the applicant by Coughlan Consultant Engineering. The grounds of appeal are outlined below.
- 6.2. The grounds of appeal state that permission was granted for an almost identical development in 2007 under Reg. Ref. DCC 3917/07. An extension of time duration was granted in October, 2012 which expired on the 7<sup>th</sup> January, 2018. The applicant was financially unable to construct a dwelling within the permitted time due to the financial recession. The main variation in design between that previously permitted and the current application and appeal before the Board relates to the height of the rear wall. The main building height on both proposals are identical as are the building line projections on the front elevation.
- 6.3. Reference is made to the previous planning officer's report in respect of DCC 3917/07 where it is considered that the site is of adequate size to accommodate a new dwelling and while the proposal breaches building lines the planning officer concluded that this would not result in visual disharmony due to the general depth of building lines, the size of the site and the location of the site on a relatively wide junction. The planning officer also considered that the development would not result in serious injury to the amenities of adjoining property and therefore the proposal is consistent with the provisions of the then Dublin City Development Plan 2005. On this basis it is recommended that planning permission be granted.
- 6.4. The grounds of appeal go on to set out extracts from the previous Dublin City Development Plan 2005 – 2011 and in particular policies in relation to corner/side garden sites. Reference is also made to Dublin City Council's policies for the development of corner/side garden sites in the current Development Plan (2016 – 2022). It is suggested that the criteria in the development plan relating to the site in 2005 and relating to the site in 2016 are practically the same with no obvious differences.
- 6.5. The Board are requested to overturn the decision of the Planning Authority primarily on the basis that the design of the front of the house together with the forward projection of the house have already been deemed to be appropriate by the Planning Authority in adjudicating on the previous application. Furthermore, it is argued that

there has been no material change in planning policy relating to dwellings within side gardens between the operative development plan under the original grant of planning permission and the development plan currently in operation.

- 6.6. Finally, the grounds of appeal point out that the planner's report in relation to the current application acknowledge that all other aspects of the proposed development were acceptable.

## **7.0 Appeal Responses**

The Planning Authority have not submitted a response to the grounds of appeal.

## **8.0 Natural Heritage Designations**

The site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site (the North Bull Island SPA – Site Code: 004006) and (the North Bull Island SAC – Site Code: 000206) is located just less than 4 kilometres to the east and south-east of the subject site.

## **9.0 EIA Screening**

Having regard to the nature of the development, comprising of a single dwelling in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

## **10.0 Development Plan Provision**

- 10.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 10.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The lands on which the proposed dwelling is to be located are governed by the zoning objective Z1 – 'to protect, provide and improve residential amenities.' Residential development is permitted in principle under this zoning objective.



10.3. Section 16.10.9 sets out Dublin City Council's policy in relation to developing corner/side garden sites. It states that 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 to a high standard, can constitute valuable additions to the residential building stock in the area and will generally be allowed for by the Planning Authority on suitably 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 existing house.

10.4. 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, proportion, heights, parapet levels and materials of the adjoining buildings.
- Impact on residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed development.
- The provision of appropriate car parking facilities, and a safe means of access 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 front and side building lines where appropriate.

10.5. Section 16.10.2 of the development plan sets out residential quality standards for houses. In terms of private open space, it is noted that privacy is an important element of residential amenity and contributes to the sense of security. 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 10 square metres of private open space per bedspace will normally be applied. A single bedroom represents one space, and a

double bedroom represents two spaces. Generally, up to 60 to 70 square metres of rear garden is considered sufficient for houses in the city.

## **11.0 Planning Assessment**

### **11.1. Introduction**

11.2. I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the Planning Authority's reasons for refusal and the grounds of appeal rebutting these reasons. I have also had regard to the planning history associated with the site and in particular planning application 3917/07.

I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Design and Layout Considerations
- Planning History

### **11.3. Principle of Development**

11.3.1. The subject site is zoned Z1. Residential development is acceptable in principle on these lands. The subject site is currently undeveloped and currently forms part of a large side garden. I note that Policy QH8 of the development plan seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area. It could be reasonably argued in my view that the site constitutes a vacant underutilised site and that the development of the site would not prejudice the open space requirements associated with the existing house. I would also refer the Board to the National Planning Framework which like the Dublin City Development Plan seeks to utilise infill/brownfield sites and seeks to direct new development including residential development within the footprint of the existing urban areas in order to create a more compact urban form. The proposed development therefore is compatible with the land use zoning objective and

compatible with the more general national and local land use policy which seek to utilise infill brownfield sites subject to appropriate and qualitative safeguards. Issues with regard to qualitative safeguards are assessed in more detail below.

#### **11.4. Design and Layout Considerations**

- 11.4.1. The proposed development represents a departure from the predominant layout and design of the existing houses in the vicinity and in particular the houses along Greencastle Drive. The footprint of the proposal is squatter in appearance incorporating a wider front elevation and a lower ridge height. While it represents a departure from the prevailing house character of the area it should be noted that there is some variation in terms of house type in the vicinity mainly due to the development of infill sites in the surrounding area, including infill at no 10B Greencastle Drive and No 62 Macroom Road 60m for the east of the site. Perhaps more importantly, the area in which the site is located does not attract any particular conservation designation and does not accommodate any buildings of architectural or historic integrity. Greenfield Drive and the surrounding areas represent typical suburban late 1960s/early 1970s residential development which is ubiquitous throughout the middle suburban areas in the northern environs of the city. The fact that the site and the area surrounding the site does not attract any specific amenity designation in my view presents a greater opportunity to incorporate more flexible design parameters in any development of the subject site. It is not therefore necessary or indeed appropriate in my view that any new development on the subject site would be required to adhere to the prevailing design character of the area.
- 11.4.2. With regard to general layout issues, I concur with the conclusions set out in the planner's report that the proposed development, has on the whole, been designed to successfully address any potential adverse impacts on residential amenity. As the planner's report correctly points, out the proposed development is located to the north of adjacent houses and on that basis will not give rise to any significant overshadowing or overbearing issues. The orientation and fenestration arrangements including the omission of windows at first floor level to the rear of the dwellings will ensure that no material issues arise in terms of overlooking. I furthermore agree with the Planning Authority that the open space to be provided, both for the residual site at No. 32A, and the new residential unit proposed under the

current application, is sufficient and in accordance with development plan standards. I am satisfied therefore that the proposal will not have an unacceptable and disproportionate effect of surrounding residential amenity and would also provide sufficient amenity for future occupants of the house in terms of private open space provision. I also note the internal dimensions of the rooms proposed and concur with they comply with the minimum guidelines set out in the development plan and the quantitative standards set out in “Quality Housing for Sustainable Communities” (the Department of the Environment, Heritage and Local Government) (2007).

11.4.3. Concern is expressed in the Planning Authority’s reason for refusal that the proposed positioning of the dwellinghouse is significantly forward of the established building line. Furthermore, it is stated that the visual impact is exacerbated by the fact that the site is located in a prominent corner between the junction of Greencastle Drive and Macroom Road. In relation to the building line, I would note the following: Firstly, planning permission was granted for a dwellinghouse under 3917/07 and this application received an extension of duration of permission under a subsequent application DCC 3917/07/X1. The parent grant of permission incorporated the same building line as that currently proposed under the current application and appeal. Thus, a planning precedent has been established in relation to the building line under the previous grant of permission.

Secondly, I would refer the Board to the site location map submitted with the application. It is clear from this map and also from my own site inspection that Dublin City Council granted planning permission for a new dwellinghouse at the southern end on the same side of Greencastle Drive for a dwellinghouse (No. 10B) which incorporated an almost identical extension forward of the building line. In fact, the incremental stepping forward of the building line in the case of House Nos. 10, 10A and 10B to the south of Greencastle Drive will be replicated with the grant of planning permission at the northern end of the street in the case of House No. 32, 32A and the current application. It is therefore my considered opinion that there is a precedent to develop a dwelling which steps forward of the established building line on Greencastle Drive.

11.4.4. The last major issue in relation to design concerns the proposed dormer style design with the asymmetrical gable which it is considered to be a visually obtrusive element

having particular regard to the site's prominent location with the gable end fronting onto Macroom Road. This in my considered opinion is the critical element which the Board should consider in adjudicating on the application. The asymmetrical gable in my view is readily visible from vantage points along the Macroom Road and does constitute a somewhat incongruous design element in the gable.

- 11.4.5. Despite what is suggested in the grounds of appeal, drawings consulted on the Dublin City Council's website in respect of the parent permission (DCC 3917/07) is not identical in form to that currently before the Board. The original dwelling granted permission on site did not incorporate an asymmetrical roof. The entire upper floor was contained within the roof pitch with no two-storey elevation to the rear in the original application.
- 11.4.6. While I would have some concerns in relation to the incorporation of an asymmetrical roof pitch in visual terms, I would again reiterate that the site, while prominent, is not particularly sensitive in visual terms. The area does not incorporate any sensitive designations which would require a more precautionary approach in urban design terms and for this reason I consider that the Board could reasonably conclude that the proposed dwelling, unit notwithstanding the incorporation of an asymmetrical roof pitch profile, is acceptable in visual terms. The proposal represents a planning gain in developing an under-utilised infill site within an urban area.

## 11.5. Planning History

- 11.5.1. The grounds of appeal agree that there is a relevant precedent for a grant of planning permission for a dwellinghouse on the subject site and that the standards and policy guidance in respect of developing side garden/corner sites has not materially changed between the development plan under which the original grant of planning permission took place (2005 to 2011) and the current development plan (2016 – 2022). I would agree that the criteria under which such developments are assessed in both development plans are essentially the same. I would therefore concur with the appellant in the grounds of appeal that there is little material difference in development plan policy in the context of which both applications were assessed. I reiterate that it is clear from consulting the drawings in relation to the previous application that the roof pitch has been significantly altered to incorporate an asymmetrical and opposed to symmetrical form.

## **12.0 Conclusion and Recommendation**

Arising from my assessment above therefore, I consider that the proposed development is appropriate on the basis that it is compatible with the zoning objective, constitutes a development of an infill site within an urban area which is in accordance with national policy in facilitating development at more sustainable densities. Furthermore, I consider that there is precedent for development of the subject site having regard to the previous grant of planning permission under DCC 3917/07 including the extension of time of duration granted in 2012, and that the proposed development would not seriously injure the visual amenities of the area on design grounds.

## **13.0 Appropriate Assessment**

Having regard to the proposed development which relates to the construction of a single dwellinghouse in an urban area together with the proximity to the nearest European site, it is considered that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **14.0 Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## **15.0 Reasons and Considerations**

Having regard to the Z1 zoning objective for the site and the design, scale and siting of the proposed dwelling, it is considered that subject to conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the 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. 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.

**Reason:** In the interest of visual amenity.

3. Drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

4. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

**Reason:** In the interest of public health.

5. The width of the vehicular entrance serving the proposed dwelling shall not exceed 3 meters in width.

**Reason:** In the interest of traffic safety.

6. Details of the proposed vehicular access arrangements shall be agreed in writing with the planning authority prior to the commencement of development. The width of the proposed vehicular access shall not exceed

three metres.

**Reason:** In the interest of traffic safety.

7. Site development and building works shall be carried out between the hours of 0700 to 1800 hours Mondays to Friday inclusive, and between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations 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. Any damage to the public road or footpath during the course of the construction works shall be repaired at the developer's expense. Details of the nature and extent of repairs shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development.

9. 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.

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Paul Caprani,  
Senior Planning Inspector.

15<sup>th</sup> March, 2021.