



An
Bord
Pleanála

Inspector's Report ABP 308632-20

Development	Conversion of single-storey detached garage to a detached 1-bedroom, wheelchair accessible bungalow, single storey extension to side, pedestrian access to Kilbarron Road, and all associated site works.
Location	No. 16c Dundaniel Road, Dublin 17.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1571/20
Applicant(s)	Barry Ennis
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Barry Ennis
Observer(s)	None
Date of Site Inspection	11 th March 2021
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 263 m² and is located at No. 16c Dundaniel Road, Dublin 17, on the southern side of the junction with Kilbarron Road. The established pattern of development in the vicinity is primarily characterised by 2-storey terraced dwellings.
- 1.2. The site accommodates a detached, single-storey garage, which has a hipped roof profile fronting onto Dundaniel Road. The site has been sub-divided from that of the adjacent 2-storey dwelling at No. 16c Dundaniel Road, with separate vehicular entrances provided to the front and private amenity spaces to the rear. A linear strip of open space extends along the side of the garage adjacent to Kilbarron Road, with the site boundary at this location demarcated by timber fencing. A pebble-dashed wall and brick entrance pillars are provided to the front of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the conversion of an existing, single-storey detached garage into a detached, one-bedroom wheelchair accessible bungalow, a single-storey extension to the side, a pedestrian access to Kilbarron Road and all associated site works.
- 2.2. The stated floor area of the proposed development is 57 m². The proposed bungalow will accommodate a combined kitchen/living/dining area, a bathroom and 1 no. bedroom at ground floor level, with a rear amenity space of 49 m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission for 1 no. reason issued on 14th October 2020 on the basis that the proposed development would constitute a visually obtrusive feature, which would seriously infringe the existing building line on Kilbarron Road, would detract from the character and visual amenity of the area, and would constitute the overdevelopment of a restricted site.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Dublin City Council's Planning Officer considered that the single-storey nature of the proposed development would be incongruous with the established residential character of the area. The Planning Officer also had concerns regarding the proposal to include 2 no. bedrooms within the roof space, and the usable space and amenity of these bedrooms.

3.2.3. The Planning Officer also considered that the proposed development would further breach the side building line onto Kilbarron Road and contribute to the overdevelopment of the site.

3.2.4. It was also noted that the stated floor area of the existing garage (39 m²) exceeds that permitted under Planning Authority Reg. Ref. 3007/12, and as such, the Planning Officer considered that this development may be inconsistent with its permission.

3.2.5. **Other Technical Reports**

3.2.6. **Transportation Planning Division:** Recommended that Further Information be requested in relation to (1) the planning status of the existing vehicular entrance, (2) a swept path analysis of vehicles entering and egressing the site (3) revised site layout plans to include sightlines, and (4) scale elevation plans to include boundary treatment and vehicular access.

3.2.7. **Engineering Department Drainage Division:** No objection subject to conditions.

3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

3.5. **Third Party Observations**

3.5.1. None.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3007/12:** Planning permission granted on 5th November 2012 for a detached garage at the side and all associated works.

- 4.2. Condition no. 4 of this permission requires that the proposed development shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any use other than as a use incidental to the enjoyment of the dwelling house.
- 4.3. **Planning Authority Reg. Ref. 3421/11; ABP Ref. PL29N.240035:** Planning permission refused on 20th April 2012 for a 2-bedroom, 2-storey house attached to 16c Dundaniel Road, with vehicular access onto Dundaniel Road and all associated works.
- 4.4. In refusing planning permission, the Board considered that the proposed development would constitute a visually obtrusive feature, which would seriously infringe the existing building line on Kilbarron Road, would detract from the character and visual amenity of the area, and would constitute overdevelopment of a restricted site.
- 4.5. **Planning Authority Reg. Ref. 2009/07:** Planning permission refused for a 2-storey block of 6 no. apartments, with balconies, landscaping and associated works, a new vehicular and pedestrian access onto Kilbarron Road and 6 no. car parking spaces.
- 4.6. Planning permission was refused for 2 no. reasons including: (1) the scale of the development would not reflect the character of the surrounding low-density residential area; and, (2) the proposed development would contravene development plan policy in relation to corner/side garden sites.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective, “to protect, provide and improve residential amenities”.
- 5.2.2. Residential land uses are permissible under this zoning objective.

5.3. Housing Policy

- 5.3.1. **Policy QH1:** To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes

Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

- 5.3.2. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 5.3.3. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.
- 5.3.4. **Policy QH22:** To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- 5.3.5. **Corner/Side Garden Sites**
- 5.3.6. Section 16.10.9 of the development plan states that development in corner/side garden sites can make valuable additions to the residential building stock of an area and will generally be allowed on suitable larger sites. The Planning Authority will have regard to the following criteria in assessing such proposals:
- 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.

5.4. **Private Open Space**

- 5.4.1. A minimum standard of 10 m² per bedspace will normally be applied. Generally, up to 60-70 m² of rear garden area is considered sufficient for houses in the city.

5.5. **Car Parking**

- 5.5.1. The site is located in Area 3 of the city with respect to car parking provision, where a maximum standard of 1.5 spaces per dwelling applies.

5.6. **Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)**

- 5.6.1. These Guidelines identify target gross floor areas for dwellings according to unit type, with a target of 44 m² identified for 1-bedroom/2-person/1-storey dwellings.

5.7. **National Planning Framework (NPF)**

- 5.7.1. The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

- 5.7.2. **National Policy Objective 3b** seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.8. **Natural Heritage Designations**

- 5.8.1. None.

5.9. **EIA Screening**

- 5.9.1. Having regard to the nature and scale of the proposed development, 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. A 1st party appeal has been lodged on behalf of the applicant by CQA Design + Build, the grounds of which can be summarised as follows:

- The proposed development is an efficient use of serviced residential lands in an area zoned for Z1 purposes, which is an established community, centred around a range of local facilities.
- The proposed dwelling will facilitate mobility within the community, reducing the need for residents to move out of the area when downsizing and will expand the range of housing types in the area.
- The site is suitable for development being 263 m² in area and larger than the adjoining sites.
- The proposed development is of a high design standard, being dual-aspect with high quality open space. The staggered elevations create variety in the streetscape, while the front building line respects that of 16c Dundaniel Road, with finishes and materials proposed which are similar to this neighbouring dwelling.
- The proposed development will not compromise the quality of the original house at 16c Dundaniel Road.
- The neighbouring properties to the south of the site at Dundaniel Road display a variety of extensions which are contrasting in design, style, layout and height and have eroded the original uniform nature and character of the street. This erosion is further intensified by a variety of off-street car parking arrangements.
- The proposed development is similar in height to the porch extensions at Nos. 8 and 14 Dundaniel Road, while its building line will adhere to that of Nos. 4, 8, 10 14, 16, 16a, 16b and 16c Dundaniel Road.

- The proposed vehicular and pedestrian access will be in keeping with the majority of the existing access facilities along the road with respect to design and layout.
- The proposed development will not have any adverse impacts on the residential amenities of the adjoining sites, due to the absence of any overlooking and overshadowing impacts and will not have any adverse visual impact.
- The proposed floor area and private open space serving the dwelling exceed the minimum standards.
- The proposed vehicular access may necessitate the relocation of the ESB pole on the public footpath, which the applicant is willing to undertake if necessary.
- The proposed sightlines at the entrance will not be compromised, as the existing fence which runs between the site entrance and the front elevation of the dwelling, will be replaced by a 1 m wall. As such, vehicular movements to and from the site will have unobstructed sightlines towards Kilbarron Road and Dundaniel Road.
- Improved landscaping and boundary treatments will reduce the impact of hard surfaces and enhance the setting of the proposed development;
- The building line at Nos. 165 – 171 Kilbarron Road has already been significantly breached by 16c Dundaniel Road.
- The proposed development will project an additional 3 m beyond the building line of the existing garage onto Kilbarron Road.
- There are examples in the local area where new housing developments on corner sites have broken established building lines.
- The relationship of the proposed bungalow to 16c Dundaniel Road will reflect local examples of single-storey extensions to end-of-terrace, 2-storey dwellings.
- The prominent corner location of the site has informed the final layout and design of the proposed development, which will be a significant visual

improvement on the existing garage and will provide a stepped elevation and attractive fenestration in place of the blank gable wall fronting Kilbarron Road.

- The proposed development cannot be considered to constitute the overdevelopment of the site given that it complies with floor area and open space standards, provides on-site parking with unobstructed sightlines at the point of entry/exit and will not result in overlooking or overshadowing.

6.1.2. The appeal submission is accompanied by photographs of the existing development on the site and of neighbouring developments in support of the grounds of appeal.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Principle of the Development
- Compliance with Development Management Standards
- Visual Impact of the Proposed Development
- Site Access
- Planning History
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Principle of the Development**

7.3.1. The proposed development seeks to convert an existing garage to a single-storey bungalow. The site is located in an established residential area and is subject to land use zoning “Z1” (Sustainable Residential Neighbourhoods) which has the objective

“to protect, provide and improve residential amenities”. Residential land uses are permissible under this zoning.

- 7.3.2. Policy QH7 of the Dublin City Development Plan 2016-2022 seeks, inter alia, to promote residential development at sustainable urban densities throughout the city. Section 16.10.9 of the plan also acknowledges that the development of side/corner sites can make valuable additions to the residential building stock in an area. The more recently adopted NPF also places significant emphasis on the most efficient development of zoned land in urban areas to address the current housing shortage, with National Policy Objective 3b seeking to deliver at least 50% of all new homes targeted in the five main cities and their suburbs, within their existing built-up footprints. Having regard to the foregoing, I am satisfied that the proposed development would be acceptable in principle on the subject site.

7.4. **Compliance with Development Management Standards**

- 7.4.1. Policy QH1 of the development plan states that the Planning Authority will have regard to the DEHLG Guidelines on “Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities” (2007). These Guidelines identify a target gross **floor area** of 44 m² for 1-bedroom/2-person/1-storey dwellings. The proposed bungalow has a stated floor area of 57 m², and as such, exceeds this target.
- 7.4.2. I note that the proposed roof plan as illustrated on Drawing No. A202 indicates that 2 no. bedrooms are proposed at this level. These bedrooms are served by rooflights only. I note that planning permission has been sought for a one-bedroom, wheelchair accessible bungalow only in this instance. As such, I consider that the roof space of the dwelling should not be used as bedroom accommodation as illustrated on this drawing in the event the Board grants planning permission for the proposed development. This matter can be addressed by way of condition.
- 7.4.3. In considering the **private open space** provision, I note that a rear amenity space of 49 m² is proposed. The amenity space will be screened by the existing and proposed boundary treatments in views of the site from Kilbarron Road and from the adjoining dwelling to the south-east at No. 171 Kilbarron Road. The development plan requires that 10m² of open space be provided per bedspace resulting in a requirement for 20

m² in this case. Having regard to the foregoing, I am satisfied that the proposed amenity space would be acceptable.

7.4.4. Off-street **car parking** for 1 no. car is proposed to the front of the dwelling, which complies with development plan standards.

7.4.5. While Dublin City Council considered that the proposed development would constitute the overdevelopment of a restricted site, I do not agree with this assessment having regard to the scale of the existing garage and given that the proposed development complies with development plan standards concerning overall floor area, private amenity space and car parking.

7.5. **Visual Impact of the Proposed Development**

7.5.1. In refusing planning permission for the proposed development, Dublin City Council considered that the single-storey bungalow, and its prominent corner location and position entirely forward of the building line on Kilbarron Road, would constitute a visually obtrusive feature, which would seriously infringe the existing building line on Kilbarron Road and would detract from the character and visual amenity of the area.

7.5.2. In considering this issue, I note that the existing garage structure is already located forward of the existing building line along Kilbarron Road. I acknowledge that the proposed development will extend the footprint of the proposed bungalow, with a stepped profile and reduced set back from the property boundary onto Kilbarron Road. However, I agree with the applicant's agent that the revised northern elevation will significantly improve the visual amenities of the site, compared with the blank elevation of the existing garage. Thus, given that the existing structure already breaches the building line at Kilbarron Road and having regard to the single-storey nature of the proposed development, I consider that the Planning Officer's assessment that the proposed development would seriously infringe the building line on Kilbarron Road is entirely unreasonable.

7.5.3. In my opinion, the existing garage structure already detracts from the visual amenities of the site on foot of the blank elevations which present to the adjoining streetscapes. As such, I consider that the proposed development would serve to improve the visual amenities of the site, by providing active elevations onto Kilbarron Road and Dundaniel Road. While I acknowledge that the predominant building height in this area is 2-storeys, there are some examples of single-storey extensions

to the side of 2-storey dwellings as identified by the applicant's agent. On foot of the foregoing, I do not consider that the single-storey nature of the proposed bungalow would have a visual impact on the character of the area which would warrant a refusal of planning permission in this instance.

7.6. Planning History

- 7.6.1. Planning permission was granted for the existing garage development on the site under Planning Authority Reg. Ref. 3007/12. In reviewing the online planning records of Dublin City Council, I note that the permitted development had a stated floor area of 29 m². The depth of the permitted development within the site was 8.6 m², with an overall height of 3.89 m. The existing garage as illustrated on Drawing A201 (Existing Plans/Sections/Elevations) which accompanies this application, has an overall floor area of 39 m², a depth of 11.696 m and an overall height of 4.454m. I note that there is no planning history regarding the vehicular access which has been provided to the front of the site.
- 7.6.2. In considering the planning history pertaining to the site, Dublin City Council's Planning Officer noted that the existing garage structure may be inconsistent with its permission. The Transportation Planning Division also noted that the existing development appears to have deviated from its permission with reference to the creation of the vehicular entrance and recommended that further information be requested in relation to this matter.
- 7.6.3. Section 32 of the Planning and Development Act, 2000 (as amended) relates to the general obligation to obtain planning permission. Section 32(1)(b) states that "subject to the other provisions of this Act, permission shall be required under this Part, in the case of development which is unauthorised, for the retention of that unauthorised development". I note that retention planning permission has not been sought in this instance and that this issue has not been addressed in the applicant's appeal submission.
- 7.6.4. While I acknowledge that the planning status of the existing garage is a matter for consideration by the Planning Authority, in my opinion, the Board is precluded from granting planning permission in this instance given the application seeks permission to convert and extend a structure which may be unauthorised. As such, I consider

that planning permission should be refused for the proposed development on this basis.

- 7.6.5. In the event the Board disagrees with my assessment, I consider that the applicant should be requested to submit item nos. 2 - 4 of the further information requested by the Transportation Planning Division of Dublin City Council. In my opinion, these matters can be addressed by planning condition.

7.7. Appropriate Assessment

- 7.7.1. Given that the development is proposed to be connected to the public water supply and drainage networks and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

7.8. Conclusion

- 7.8.1. In my opinion, the principle of the development is acceptable in this instance and would comprise an efficient use of zoned residential land, in an established residential neighbourhood. I also consider that the proposed development would improve the housing options in an area which is largely characterised by 2-storey family dwellings. I also note that the proposed development complies with relevant design standards with respect to unit size, private open space and car parking provision.
- 7.8.2. However, in my opinion, the planning status of the existing garage has not been adequately addressed in the planning application or appeal submission. On foot of the foregoing, I consider that planning permission should be refused for the proposed development.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the proposed development.

9.0 Reasons and Considerations

- 9.1. On the basis of the submissions made in connection with the planning application and appeal and having regard to the planning history pertaining to the site, in particular Planning Authority Reg. Ref. 3007/12, it appears to the Board that the proposed development relates to a structure which is unauthorised and that the proposed development would comprise the conversion and extension of this unauthorised structure. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

Louise Treacy
Planning Inspector
24th March 2021