



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308908-20

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<b>Development</b>	Construction of a part single storey part two storey detached dwelling.
<b>Location</b>	Rear of 6 & 8, Larkfield Park, Harold's Cross, Dublin 6.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	WEB1218/20
<b>Applicant(s)</b>	Una McClean & Paul Howard
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Residents of Larkfield Park and Larkfield Gardens
<b>Date of Site Inspection</b>	04 <sup>th</sup> March 2021
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.0271 hectares, is located in south west Dublin City, c.150m southeast of Kimmage village centre, in a mature suburban area characterised largely by low density semi-detached and terraced dwellings, much of which is former council/state housing. The site is part of the rear garden area associated with no.s 6 and 8 Larkfield Park. These two dwellings are currently being renovated which includes extensions to the rear. The site has road frontage along Larkfield Gardens. Adjoining development include the existing two-storey dwellings the site is taken from (no. 6 and 8 Larkfield Park) to the north east. Adjoining the boundary of the site to the south east is the rear garden of no. 10 Larkfeild Park with a detached outbuilding in the rear garden adjoining the site. Further south of this is a terrace of two-storey dwellings (no. 32-37 Larkfeild Park). To the north of the site is 2a Larkfield Gardens, which is a single-storey dwelling.

## **2.0 Proposed Development**

2.1. Permission is sought to construct a new part single-storey part two-storey detached dwelling in part of the rear gardens serving no.s 6 and 8 Larkfield Park. The dwelling is to have a floor area of 271sqm and a ridge height of 6.203m. The proposal entails the provision of a new vehicular access point.

2.2. The proposal was revised in response to FI with the single-storey portion of the dwelling relocated further south and the vehicular entrance relocated further north along the road frontage. The level of off-street car parking was reduced to one space.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 14 no. conditions. The conditions are standard in nature.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Planning Report (06/07/20): Further information including revision to vehicular access, reduced level of parking to one space, confirm height of adjoining outbuilding, submission of daylight/sunlight report and measures to prevent overlooking of adjoining properties.

Planning Report (19/11/20): The proposed development was deemed to be acceptable in scale and design, in the context of adjoining amenity, traffic safety and to be in accordance with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

Drainage Division (20/05/20): No objection.

Road Planning Division (23/06/20): Further information including revised location of vehicular entrance to take account of traffic calming on the street.

Drainage (03/11/20): No objection.

## 3.3. Third Party Observations

3.3.1 One submission was received. The issue raised can be summarised as follows...

- Overdevelopment of the site, out of character, overlooking, overshadowing of adjoining properties, enforcement/unauthorised development issues, intensity of use of inappropriate, inadequate amenity space.

## 4.0 Planning History

PL29S.248563/ Reg.ref. WEB1001/17– Permission GRANTED by the Board (12/12/16), for two storey extension to side / rear of no.6 Larkfield Park and to the rear of no.8 Larkfield Park, relocation of dwelling house entrance door to no.6 and provision of new vehicular accesses and off-street parking each to no.6 & no.8.

PL29S.247255 / Reg.ref.3240/16 – Permission REFUSED by the Board (12/12/16), upholding the decision of the Planning Authority, for the construction of 2-storey house to rear of no.6 Larkfield Park on grounds of overdevelopment, serious injury to visual and residential amenities and depreciation of value of property in the vicinity.

PL29S.247252 / Reg.ref.4239/16 - Permission REFUSED by the Board (12/12/16), upholding the decision of the Planning Authority, for the construction of 2-storey house to rear of no.8 Larkfield Park on grounds of overdevelopment, serious injury to visual and residential amenities and depreciation of value of property in the vicinity.

PL29S.246471 / Reg.ref.2106/16 – Permission REFUSED by the Board (29/06/16), upholding the decision of the Planning Authority, for the construction of 2-storey house to rear of nos.6 and 8 Larkfield Park on grounds of overdevelopment, serious injury to visual and residential amenities and depreciation of value of property in the vicinity.

Reg.ref.2684/05: Permission GRANTED by the Planning Authority (23/05/05) for a new vehicular entrance and boundary wall at the rear of no.6 Larkfield Park. Enforcement file opened (E0015/16 refers) in respect of non-compliance with condition no.4 requiring reinstatement of front boundary and pedestrian entrance.

Reg.ref.3137/06 – Permission REFUSED by the Planning Authority (17/07/06) for the erection of a shed to rear of no.6 Larkfield Park for reason of scale and industrial design and consequential serious injury to residential amenities.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'.

QH5: To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

#### Section 16.10.2 Residential Quality Standards

##### Section 16.10.10

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

Infill housing should:

Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.

Comply with the appropriate minimum habitable room sizes.

Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

## **5.2. Natural Heritage Designations**

5.2.1 None in the vicinity.

## **5.3. EIA Screening**

5.3.1 Having regard to nature and scale of the development, which is the construction of a dwelling and associated site works of significant effects on the environment arising from the proposed development. The need for environmental 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 third party appeal has been lodged by the Residents of Larkfield Park and Larkfield Gardens.

- There have been existing issues regarding enforcement/unauthorised development regarding development permitted at no. 6 and 8 Lakefield Park. The appellants question whether the applicants will abide conditions and requirement specified in the event of grant of permission in this case.
- The proposal taken in conjunction with the permitted development at no.s 6 and 8 Larkfield Park would have an overbearing impact on adjoining properties, be visually obtrusive and result in overshadowing. The proposal is contrary the zoning objective.
- The design and character of the dwelling would be out of character with existing dwellings at this location.

- The scale of the dwelling is considered overdevelopment of the site with concerns regarding the future occupancy of the dwellings and the applicants past record as a landlord. Previous refusal for dwellings at this location have been noted.
- There are still issues regarding accuracy of the plans in terms of height of the proposal relative to adjoining structures and the nature and extent of structure on adjoining sites.

## 6.2. Applicant Response

6.2.1 No response.

## 6.3. Planning Authority Response

6.3.1 No response.

## 7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan policy

Design, scale, visual and adjoining amenity

Other issues

7.2. Principle of the proposed development/development plan policy:

7.2.1 The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The proposal is a subdivision of the curtilage of two existing dwellings to facilitate a new infill dwelling in an established residential area with connection to existing services and proximity to village centre services with Kimmage village centre a short distance away. The proposal use is compatible with the zoning objective and Development plan policy encourages the efficient use of zoned and serviced land including facilitating infill housing where such is done in an appropriate scale and manner. The principle of the proposed development is acceptable with the proposal contingent on successfully integrating in terms of visual amenity, adjoining

amenities and traffic safety. These aspects of the proposal are to be examined in the following sections of this report.

### 7.3. Design, scale, visual and adjoining amenity:

7.3.1 The proposal is a subdivision of the rear gardens of no. 6 and 8 Larkfield Park, which consist of two-storey terraced dwellings with rear gardens that have road frontage along Larkfield Gardens. The proposed dwelling is mainly a two-storey dwelling with a single-storey portion to the front and a single-storey portion to the north east. The design of the approved dwelling and its layout on site has adequate regard to the existing pattern and scale of the development on adjoining sites. The two-storey portion of the dwelling uses the building line of the two-storey dwellings to the south as its reference point and the overall scale of such is in keeping with the scale of the existing two-storey dwellings to the south with the ridge height being lower due to its flat roof profile. I would consider that the dwelling when viewed from the public road along Larkfield gardens does not look out of character or scale and that the dwelling itself would not be visual obtrusive at this location. The proposal entails comprehensive boundary treatment and landscaping and the proposal would be satisfactory in terms of its overall visual appearance.

7.3.2 In relation to development management and basic development control standards the main criteria would be private open space, off-street car parking and separation distances. The proposal is a subdivision of the curtilage of two existing dwellings. No. 6 and no. 8 Larkfield Park are to be retained with rear gardens that provide for 50sqm of private open space each. The approved dwelling provides for an area of 45sqm to the north/side of the dwelling and an area of 47sqm to the front of the dwelling, which provides for the parking space and will be private due to the height of the boundary proposed. The required standard under development policy (section 16.10.2) is “minimum standard of 10 sq.m of private open space per bed space will normally be applied. A single bedroom represents one bed space and a double bedroom represents two bed spaces. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city”. The existing dwellings despite



their extension are two bed units representing 4 bed spaces. The provision of 50sqm in each case is compliant with Development Plan policy with sufficient private open retained. The proposed dwelling is a four bed unit (7 bed spaces). At least 70sqm is private open space is provided even the area provided for the one car space is taken out in compliance with Development Plan policy. The study could be used as another bedroom, which would give a requirement of 80sqm, I am satisfied that the proposal would still meet this standard.

7.3.3 The dwelling has its north western elevation tight to the rear boundary of the garden of no. 8 Larkfield Park, however the building steps down to single-storey where it adjoins the boundary. Development Plan policy (Section 16.10.2) states that “at the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers”. The level of separation between the rear of no. 8 and the proposed dwelling is 12m. There is a window on the first floor elevation serving a bathroom. I am satisfied that subject to a condition requiring this window to be fitted with obscure glazing, the level of separation proposed is satisfactory.

7.3.4 In relation to car parking the appeal site is located in Area 3 (Map J) with maximum standard for such 1.5space per dwelling. This is a maximum standard and the provision of one off-street car parking space is sufficient.

7.3.5 The design and layout of the proposal has adequate regard to the amenities of adjoining properties. As stated above the proposal retains sufficient private amenity space and separation distance in relation the existing dwellings from whose curtilage the site is taken from. The rear garden of no. 10 Larkfield Park runs along the south eastern boundary. The dwelling adjoins the end of the garden a reasonable distance from the existing dwelling and its rear elevation. Where the dwelling adjoins the garden of no. 10 there is an existing outbuilding. The proposal provides sufficient separation from the dwelling to north at 2a and the window on the front elevation at

first level serving bedroom 1 features louvered screen to prevent overlooking of the existing dwelling (I would question the necessity of such given the oblique angle).

7.3.6 The applicant submitted a Sunlight, Daylight and Shadow Assessment report. This assessment includes an analysis of the Vertical Sky Component (VSC) (BRE Guide 2011) of the windows on existing properties to establish the quantity and quality of light both pre and post development. Such illustrates that the proposal would have no significant impact on daylight levels to adjoining properties. The report also includes an assessment of sunlight to existing windows (windows which face 90 degrees of due south). The assessment indicates that the windows on existing properties would meet the required standard for both annual and winter sunlight availability post development. The report also assesses sunlight impact on garden areas with all amenity spaces adjoining the site and the development itself meeting the recommended standard of 50% of the area getting 2 hours of sunlight on March 21<sup>st</sup> (2a is below this standard however there is no change to its ratio post development). I would question whether the level of detail in the assessment report is necessary, however such demonstrates that the proposal would be satisfactory in the context of adjoining amenity.

7.3.7 I am satisfied that the proposal is a well-conceived infill proposal designed in a manner that has adequate regard to the established pattern of development , the visual amenities of the area and the amenities of adjoining residential properties. The proposal would not represent overdevelopment of the site and provides for a development that meets the basic development control standards set out under the City Development plan and objectives to facilitate residential development on underutilised sites.

7.4 Other Issues:

7.4.1 The appeal submission raises concerns regarding unauthorised development/enforcement issues relating to permitted development at no.s 6 and 8 Larkfield Park and the use of the appeal site itself. Issues of

enforcement/unauthorised development are matters for the Local Authority to deal with and the Board has no power and function in this regard. The Local Authority has ample powers under the Planning and Development Act, 2000 (as amended) to deal with these issues and based on the information file there has been enforcement actions concerning development at this location.

7.4.2 The appellant speculates regarding the possible that the applicant may not comply with planning conditions as well as referring to the appellants' record as a landlord. These are not planning consideration and the assessment is not of the individual who has applied for permission but an assessment of the development proposed in the context of the proper planning and sustainable development of the area.

7.4.3 The appellant raise concerns regard the details of measurements and dimensions and the extent of existing structures in the vicinity. I am satisfied that the plans are clear in terms of design, scale and extent of the structure proposed and that there is sufficient information to properly assess the impact of the proposal in the context of the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment**

8.1 Having regard to the nature and scale of the proposed development and its proximity 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.

## **9.0 Recommendation**

9.1. I recommend a grant of permission subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016- 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the amended plans submitted on the 23<sup>rd</sup> October 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The window serving bathroom at first floor level on the north eastern elevation shall be fitted with obscure glazing and maintained as such permanently.

Reason: In the interests of orderly development and residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

6. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

7. The footpath shall be modified and dished at the entrance in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing, replanting of roadside tree(s) and repositioning of street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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 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.

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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Colin McBride  
Planning Inspector

15<sup>th</sup> March 2020