



An
Bord
Pleanála

Inspector's Report

ABP-310058-21

Development

Modifications to the previously approved unbuilt 3 bedroom 2 storey detached house per App. No. 2374/13 (and the subsequent extension of duration of permission per App. 2374/13X1) to provide 1 No. 4 bedroom 2 storey detached house.

Location

Site adjoining No.40, Edenmore Avenue, Edenmore, Raheny, Dublin 5.

Planning Authority

Dublin City Council North

Planning Authority Reg. Ref.

WEB1141/21

Applicant(s)

Stephen O'Toole

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Stephen O'Toole

Observer(s)

None

Date of Site Inspection

6th June, 2021.

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located within the side garden of no. 40 Edemore Avenue which is a two storey corner, end of terraced house located within a wider residential area of similar dwellings. The existing dwelling is modest in terms of scale and site area and is situated in a position that is perpendicular to a terrace of dwellings to the south west.
- 1.2. The site is located within an established residential estate, where dwellings are of uniform design and layout. Many of the dwellings have added porch extensions to the front elevation and have also extended to the side and / or rear in various forms. A number of other corner sites have been the subject of infill developments of various types. Specifically, to the east on the corner opposite the appeal site, an infill development of 5 no. apartment or duplex units has been developed in a building which turns the corner, and which is attached to the No.93 Edenmore Avenue. To the north west, another development of apartment units has been undertaken at the corner site between Nos. 32 and 34 Edenmore Avenue. .
- 1.3. The appeal site is currently enclosed by a 1.2 metre wall and contains a vehicular driveway to the front of the dwelling. At the time of inspection, the area of the site to the rear of the front building line of No.40 was enclosed behind a hoarding. The southern part of the site was separated from the rest by fencing.
- 1.4. Under Dublin City Council ref. 2374/13, planning permission has already been granted for the construction of a three bedroom two storey dwelling to the side of no. 40. The duration of this permission has subsequently been extended.
- 1.5. The stated area of the site is 560 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises modifications to the extant permission for the construction of a detached dwelling on the site granted under ref. 2374/13. The proposed development involves an increase in the width, depth and height of the permitted structure and an increase in the number of bedrooms from three to four.

- 2.2. The scale of the permitted dwelling on the site is 112 sq. metres and this is proposed to be increased to 152 sq. metres through an increase in the floorplan. Width is proposed to be increased from the permitted 9.89 metres to 10.35 and depth from 8.99 at ground floor level and 7.45 at first floor to 10.0 metres at ground floor and 8.45 at first floor level.
- 2.3. At attic level an additional bedroom is proposed to be provided over that previously permitted. The result of this bedroom in the attic space is that the ridge height of the proposed dwelling would be increased from the 7.55 metres permitted under ref. 2374/13 to 8.25 metres. The height of the proposed ridge line would be 800mm above that of the existing house at No.40. A dormer extending almost the full width of the rear roof slope is proposed and this has a width of c.6.4 metres.
- 2.4. Access to the new dwelling is proposed to remain as permitted via the existing access to No.40 with a new access proposed to serve the existing house.
- 2.5. The development is proposed to be connected to the public water supply and drainage networks.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for one reason that can be summarised as follows:

That the proposed increase in height and excessive scale of dormer on a visually prominent corner site would be visually obtrusive and out of character with the established character of the street and neighbouring houses. The proposed development would therefore be contrary to paragraph 16.10.9 of the plan regarding development on corner / side garden sites and Appendix 17 of the plan relating to extensions and specifically 17.2 relating to dormer extensions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer notes the planning history of the site and the nature of the development previously permitted under Ref. 2374/13. The relevant sections of the development plan are highlighted, in particular section 16.10.9 regarding development in corner and side gardens. The report notes that the scale of the size increase sought is significant, would breach the established roof ridge height of neighbouring properties and would be set forward of the established building line formed by Nos.42-56 Edenmore Avenue. The proposed box dormer is not considered to be subordinate to the existing roof slope and would be contrary to section 17.1 of Appendix 17 of the Plan. Refusal of permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

Drainage Division – No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

No observations received by the Planning Authority.

4.0 Planning History

Appeal Site

Dublin City Council Ref. 2798/19; ABP Ref. PL29N.304732 – Permission refused by the planning authority and decision upheld on appeal for the sub-division of approved undeveloped house site Reg. Ref.: 2374/13 to provide a detached bungalow adjoining the approved unbuilt house with new vehicular access. Permission was refused by the Board for a single reason that can be summarised as follows:

That the design, form and layout of the proposed development and its location on an exposed corner site, would result in an incongruous form of development which would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Dublin City Council Ref. 2374/13 - Permission granted for demolition of single-storey extension at the side of the existing house at No.40, the provision of new vehicular access to no. 40, the construction of a detached two-storey, 3 bedroom house at side accessed via existing driveway & all associated works.

Dublin City Council Ref 2374/13X1 – Extension of duration granted by the Planning Authority for the above permission up to 9th Aug 2023.

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Objective Z1 under the provisions of the *Dublin City Development Plan, 2016-2022* with the stated objective '*To protect, provide and improve residential amenities*'.

The following policies / sections of the Plan are considered to be of relevance in the assessment of the case:

- Paragraph 16.10.9 relating to Corner/Side Garden Sites
- Section 16.10.10 relating to Infill Housing.
- Appendix 17 relating to residential extensions.

Copies of these policies / sections of the development plan are attached with this report.

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European sites. The following are the closest sites to the appeal site:

- North Dublin Bay SAC is located c. 1.9km east of the site.
- North Bull Island SPA is located c. 1.9km east of the site.

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal:

- That a surveyed ridge height survey of the surrounding area shows that, contrary to the report of the planning officer, every terrace of houses in Edenmore Avenue has a different ridge height.
- That immediately opposite the site, the ridge of The Mews (apartment development) is 710mm higher than the adjoining terrace of Nos. 81-91.
- That the entire fenestration of the Mews is also out of alignment at first floor level.
- Photographs Nos.1-4 attached with the appeal show the variation in levels.
- Drawing No.12 submitted shows an alteration to the design with a reduction of 150mm in the floor level which results in a reduction in the ridge height such that it would be only 540mm higher than the existing house at No.40.

- That contrary to the statement of the Planning Officer, the dormer box window proposed would not be highly visible as it would be set back from the corner with Edenmore Avenue by c.23 metres and c.11 metres from the gable of No.42.
- That there are no opposing windows opposite the dormer.
- Drawing No.10 attached with the appeal indicates a reduction in the scale of the proposed dormer to make it subordinate to the roof. The revised drawing submitted reduces the width of the dormer from c.6.4 metres to 3.00 metres.
- Submitted that the proposed development is consistent with the requirements of the development plan as it respects the character of the street, is compatible in design with the adjoining dwellings, meets open space and car parking standards, and has appropriate landscaping and boundary treatments.
- That there is significant precedence for development of a similar form to the current proposal both in the local area and in the wider Dublin area.
- Requested that the four changes to the originally permitted design would be considered separately and that the refusal of all modifications would be avoided. The four changes are increased width to 10.35 metres, Increased depth to 1.0 metres beyond the rear building line, increased ridge height and rear dormer and two front rooflights.

6.2. Planning Authority Response

No response to the grounds of appeal received from the Planning Authority.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development,
- Design, Layout, and Impact on Amenity,
- Site Servicing and Access,
- Appropriate Assessment

7.2. Principle of Development,

7.2.1. The appeal site is located on lands that are zoned Objective Z1 under the provisions of the *Dublin City Development Plan, 2016-2022* with the stated objective '*To protect, provide and improve residential amenities*'. A house is identified as a normally permitted use under this land use zoning objective and the planning history of the site is such that there is an extant permission for a three bedroom house on the site. It is therefore my opinion that the principle of an infill dwelling is acceptable in this location.

7.3. Design, Layout, and Impact on Amenity,

7.3.1. With regard to design, the development as originally submitted for assessment by the Planning Authority is proposed to have a **ridge height** of 8.25 metres which would be approximately 700mm higher than that of the adjoining house at No.40 and the terrace of houses to the north west of the site. I note the comments of the first party that the survey submitted with the appeal indicates that there is a wide variety of roof ridge heights in the immediate vicinity of the appeal site and the photographs submitted with the appeal indicating this variety. This is correct, however the developments where there are a variety in heights in evidence are the infill corner sites to the immediate east (The Mews) and to the north at the far end of the terrace of which No.40 forms a part (Edenmore Walk). The form and scale of these corner developments are however significantly different to the proposed development comprising infill apartment units of a significantly larger scale than the subject

proposal and a clearly different residential format that the prevailing terraced housing.

- 7.3.2. While the ridge height of both of the above referenced infill developments in the vicinity of the appeal site vary relative to surrounding properties, I note that the development to the east at The Mews, matches the ridge height of the adjoining property to the east at No.93 Edenmore Avenue to which it is attached. It would also in my opinion be fair to say that neither of these adjacent infill developments are of a particularly high design standard or are such that they are clearly consistent with the Dublin City Development Plan policy on infill development (paragraph 16.10.10) or development in corner / side gardens (paragraph 16.10.9), particularly with regard to existing character, proportions, heights and materials.
- 7.3.3. With regard to compliance with the **development plan policy** on infill development and development in corner / side gardens, I note that both sections makes reference to a number of criteria which should be complied with in developments and that both make specific reference to having regard to established building lines, proportions, heights and parapet levels. In my opinion the degree to which the proposed development would exceed the roof ridge height of the existing terrace of dwellings to the north west (Nos. 34 – 40 Edenmore Avenue) is such that the proposal would comprise a visually incongruous form of development that would be out of character and scale with the prevailing pattern of two storey housing in the vicinity, including the adjoining property at No.40.
- 7.3.4. I note the proposal submitted as part of the first party appeal that the height of the proposed house relative to surrounding properties would be reduced by 150mm by a reduction in the floor level and such as to result in a ridge height such that would be c. 540mm higher than the existing house at No.40, (see Drawing Mo.12 submitted with the appeal). This proposal is noted, however I do not consider that it addresses the fundamental issues raised above regarding the proportions of the proposed development relative to existing houses or the variation in roof ridge height that would still occur. A reduction in the FFL would mean that the eaves level would not match that of No.40 and it is also not clear how feasible a reduction in FFL of 150mm would be in this location. For these reasons I do not consider that the revised proposals are acceptable or are consistent with the provisions of the development plan. In order to be acceptable I consider that the roof ridge height needs to remain

consistent with those at No.40 Edenmore Avenue as is the case with the extant permission on the site granted under Dublin City Council Ref. 2374/13 extended by Ref. 2374/13/X1). .

- 7.3.5. The proposal as originally submitted to the Planning Authority incorporated a box **dormer on the rear** (south west) facing roof slope which was to extend across virtually the full width of the roof and incorporate a window of c.1.8 metres in width. This feature was considered to be unacceptable by the Planning Authority and I would agree that the scale of dormer proposed would constitute a visually obtrusive and discordant feature that would be inconsistent with the policy for roof extensions as set out in Appendix 17 of the Plan which requires that dormer windows should be visually subordinate to the roof slope (paragraph 17.11 of Appendix 17). While I do not consider that the proposed dormer would result in significant overlooking or loss of amenity given the separation of c.11 metres from the gable of No.42 to the south west, the dormer structure would be clearly visible from the south west on Edenmore Avenue.
- 7.3.6. I note that Drawing No.10 submitted with the first party appeal indicates a reduction in the scale of the proposed dormer to reduce its scale relative to the roof. The revised drawing submitted indicates the width of the dormer reduced from c.6.4 metres to 3.00 metres with the width of the window remaining at c.1.8 metres. This revised dormer design is in my opinion acceptable in terms of visual amenity, however without the increased roof height the attic space would not be capable of accommodating habitable accommodation and the proposed dormer is not therefore required. Similarly, I note the request in the first party appeal that consideration would be given to approving the two rooflights proposed for the front roof slope however I do not consider that these are necessary in the front roof slope if the attic space is only to be used for storage. It is therefore my opinion that the dormer and rooflights are not required in any revised design of dwelling permitted on the site and should be omitted.
- 7.3.7. The revised house design submitted as part of the subject application proposes an increase in the floorplan size of the house with an increase in width from the permitted 9.89 metres to 10.35, and an increase in depth from the previously permitted 8.99 at ground floor level and 7.45 at first floor to 10.0 metres at ground floor and 8.45 at first floor level. In principle I do not consider that the increased

width or depth would have a significant negative impact in terms of visual or residential amenity. The width of the front elevation of the permitted house design is already significantly wider than the 6.2 metres of the houses in the terrace to the north west, and visually the increased width would not have a significant impact on the north east elevation. The proposed increase in width would result in an increase in the degree that the proposed house would break the building line formed by the terrace of houses to the south west (Nos. 42-56). The visual impact of this breach of the building line would not in my opinion be significantly negative given the limited extent (approximately 2 metres) and the c.15.75 metre separation between the southern side of the proposed development and the gable of No.42 to the south west.

- 7.3.8. With regard to the proposed increase in depth of the house, retention of the originally permitted roof ridge height and front roof slope would require an asymmetrical roof and a rear roof slope that would be at a shallower pitch than adjacent properties. In the context of the appeal site I do not consider that this feature would have a significant negative impact on visual amenity. The layout and design of the proposed development is such that I do not consider that the proposed increased width and depth of the floorplan would have any negative impact on residential amenity due to overlooking or overshadowing, and I do not consider that any additional such issues over and above those arising from the permitted development would arise.
- 7.3.9. The internal layout of accommodation in the revised ground and first floor meets all internal space requirements and is considered to be acceptable. Private amenity space in the form of a rear garden with a stated area of 65 sq. metres is proposed to be provided and this reflects the submitted drawings. I consider that this private amenity space provision is acceptable to serve a three bedroom dwelling.

7.4. Site Servicing and Access,

- 7.4.1. Vehicular access to the site is proposed to be via the existing access to No.40 Edenmore Avenue with access to the existing house at No.40 now proposed to be via a new entrance immediately to the north west of the existing. The access arrangements to the existing house at No.40 and proposed new house on the site

are not proposed to change from the layout permitted under Ref. 2374/13 and are considered to be acceptable.

- 7.4.2. Foul drainage and water supply to the development are proposed to be via new connections to the public network. There is no report on file from Irish Water however given the extant permission on the site subject to a connection agreement from Irish water being obtained there is no objection to this aspect of the proposal. Surface water is indicated as being disposed of a soakaway to the front of the site and is considered to be acceptable.

7.5. Appropriate Assessment

- 7.5.1. 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.

7.6. Conclusion

- 7.6.1. Notwithstanding the proposed lowering of the ground floor FFL with resulting reduction in roof ridge height, it is considered that the degree to which the proposed development would exceed the prevailing height of houses within the Edenmore Avenue area would be such as to be significantly out of character with the prevailing residential character such as to have a significant negative impact on the visual amenities of the area and would be contrary to the provisions of the development plan regarding infill developments and houses in corner / side gardens. The reduced size dormer submitted as part of the first party appeal is considered to be acceptable in terms of visual and residential amenity but is not justified in circumstances where the increased roof height is not permitted, and habitable accommodation cannot be provided.
- 7.6.2. The increased building footprint and dimensions are in my opinion such that they would not have a significant impact on visual or residential amenity subject to the retention of the previously permitted roof ridge height and front roof slope which reflects those of adjoining properties in the terrace to the north west.

- 7.6.3. Given the nature of the application which is advertised as modifications to a previously permitted development, it is recommended that permission be granted subject to conditions omitting the increased roof height and dormer rather than a split decision.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the extant permission for the development of a house on the site, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be prejudicial to public health and would 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.

10.0 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 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 proposed development shall be amended as follows:

(a) The roof ridge height shall be a maximum of 7.55 metres above ground level and the front roof slope shall match that of the existing terrace of dwellings to the north west at Nos. 34-40 Edenmore Avenue.

(b) The proposed dormer to the rear roofslope and rooflights to the front roofslope shall be omitted from the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

3. 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.

4. All other relevant conditions attaching to Dublin City Council Ref. 2374/13 (as extended by Ref. 2374/13/X1) shall be complied with in the development.

Reason: In the interests of clarity.

Stephen Kay
Planning Inspector

8th June, 2021