



An
Bord
Pleanála

Inspector's Report ABP310172-21

Development	Subdivide site, part demolish garage shed, erect additional houses.
Location	108 & 108A Wheatfield Road, Palmerstown, Dublin 20
Planning Authority	South County Dublin County Council
Planning Authority Reg. Ref.	SD20A/0282.
Applicant(s)	Brian and Edwina Fowler
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Brian and Maeve Brophy
Observer(s)	None
Date of Site Inspection	16 th July 2021
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site comprises a corner site which is part of the rear garden of the original plot of 108 Wheatfield Road, Palmerstown, Dublin 20. An additional house (108A Wheatfield Road) has previously been constructed within the original site. The area is characterised by two storey terraced houses with front and rear gardens. There is a rear access lane running to the side the application site. The area is accessed from the R148/Chapelizod Road and can be described as an inner suburb of Dublin City.

2.0 Proposed Development

- 2.1. The proposed development comprises the subdivision of an existing site and part demolition of an existing garage/shed to the rear to provide one new one-bed part single storey/part two storey house, new vehicular access to Wheatfield Road East and reduced height boundary wall/piers, rainwater harvesting units and solar panels all at 108/108A Wheatfield Road, Palmerston, Dublin 20.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report recommended requesting additional information. The request was as follows.

- The facade onto Wheatfield Road should be amended to provide additional windows onto the public realm

- Roads section requirements should be incorporated into the proposed development including a 3.5m wide vehicular access, provision of a single parking space, a boundary wall of max 0.9m high.
- Details of surface water treatment should be submitted.

3.2.2. Other Technical Reports

3.2.3. **Irish Water** reported no objection subject to connection agreements.

3.2.4. **Water Services Section** reported no objection subject to submission of further information.

3.2.5. **The Roads Section** sought additional information and subsequently reported that the amended plans were satisfactory.

4.0 **Planning History**

4.1. ABP304854-19 permission was refused on appeal because the provision of private amenity space did not meet the Development Plan standards and the proposed development would be contrary to the County Development Plan and seriously injure the amenity of future occupants and of the adjoining residential uses.

5.0 **Policy and Context**

5.1. South Dublin County Development Plan 2016-2022 is the relevant development Plan for the site. The site is zoned 'RES: To protect and/or improve residential amenity'.

5.2. **Chapter 2 refers to Housing**

5.3. Section 2.3.1 refers to Residential Design and Layout.

5.4. Housing Policy H11 states that 'It is the policy of the Council to promote a high quality of design and layout in new residential development to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development'.

5.5. Section 2.3.5 refers to Privacy and Security.

- 5.6. Housing Policy H15 states that 'It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.'
- 5.7. Section 2.4.0 of the Development Plan considers Residential Consolidation – Infill, Backland, Subdivision and Corner sites.
- 5.8. Housing Policy H17 states that 'It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County'.
- 5.9. H17 Objective 2 states 'To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation'.
- 5.10. H17 Objective 3 states 'To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation'.
- 5.11. H17 Objective 5 states 'To ensure that new development in established areas does not impact negatively on the amenities or character of an area'.
- 5.12. Chapter 11 refers to Implementation
- 5.13. Section 11.3.1 (iv) specifically refers to Dwelling Standards
- 5.14. Table 11.20 states that the minimum space for one-bedroom houses is 50sq.m. The required private open space for a one-bedroom house is 48sqm, and 60sqm for a three-bedroom house.
- 5.15. Section 11.3.2 (i) specifically refers to Infill Development. It states (inter alia):
- 5.16. Development on infill sites should meet the following criteria: Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual; A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the

surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character; Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

5.17. Section 11.3.2 (iii) specifically refers to Backland Development. It states that the design of development on backland sites should meet the criteria for infill development in addition to the following criteria: Be guided by a site analysis process in regard to the scale, siting and layout of development; avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area; development that is in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking; access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

5.18. **Natural Heritage Designations**

Not relevant.

5.19. **EIA Screening**

5.20. Having regard to the nature and scale of the proposed development, its location in a built-up area where potable and wastewater services are available, I conclude that there are no potential likely significant impacts on the environment and that submission of an EIAR and carrying out of an EIA is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed development includes a two-storey element which will unreasonably impact on the amenity of 106 Wheatfield Road.
- The existing garage on the boundary of 106 Wheatfield Road will increase from 3.6m to 3.9m and cast additional shadow.

- The submitted drawings show a separation distance of 18m from the rear facade of 106 but this is in fact 16.13m because the original kitchen at the rear of 106 is a projection at ground floor level.
- The submitted drawings are contradictory on-site levels within the application site.
- The amenity area of the proposed house abuts the rear garden on number 106 and will detract from the amenity value of the appellant's private open space.
- There is no precedent for a second additional dwelling in the rear gardens in the area and the proposed development would comprise an unwelcome example.

6.2. Applicant Response

- In response to the previous refusal by the Board the applicants reduced the overall size of the house from 74m² to 65.7m², increased the private open space from 33m² to 57m², ensured there would be no overbearing impact on or overlooking of 106 Wheatfield.
- The maximum height of the proposed house is 5.5m while generally two storey houses are up to 8m high.
- The element of the proposed house closest to 106 Wheatfield is single storey.
- The sun path diagram submitted demonstrates that there is no overshadowing of the rear garden of 106 Wheatfield.
- The submitted drains correctly show the site levels.
- Separation distances are measured from upper floor windows as overlooking is not regarded as occurring from ground floor windows. There are no opposing first floor windows between 106 Wheatfield and the proposed house.
- The proposed house has frontage onto Wheatfield Road and does not rely on the rear lane for access.
- Number 106 has been and will remain mid-terrace.

6.3. **Planning Authority Response**

- The issues raised in the appeal have been covered in the planner's report.

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. The application site was originally the rear/side garden of 108 Wheatfield Road which was the end of a terrace of two storey houses with front and rear gardens. The overall site was previously subdivided to provide an additional house (108a Wheatfield Road) as an end of terrace unit and the rear garden allocated between both units. Thereafter (under ABP304854-19) a further application for a third house on the original site was refused on appeal for lack of private open space.

7.2. **Private Open Space.**

7.3. The County Development Plan requires the provision of 50m² of private open space for 1 bed houses. The proposed development provided 56m² of private open space and therefore meets the Development Plan standard. The original houses (108 Wheatfield Road and the newer house 108A Wheatfield Road) both have 63m² private rear garden which is adequate to serve the domestic private open space requirements for these houses.

7.4. **Overlooking**

7.5. The appeal raises the point of overlooking of the rear garden of 106 Wheatfield Road from the proposed development.

7.6. I agree with the point made by the applicant that overlooking is not generally considered to occur from ground floor windows. The northern elevation of the first-floor bedroom is windowless and set back from the boundary with the rear garden of 106 Wheatfield Road. The southwest elevation at first floor is also windowless. I

conclude on this basis that there will be no overlooking of the rear of 106 Wheatfield from the proposed development and that it will not unreasonably impact on the amenity of the rear garden of number 106.

7.7. Shadow.

7.8. The appeal makes a further point that the proposed development will cast additional shadow into the rear garden of 106 Wheatfield Road.

7.9. The application included a shadow analysis. The analysis shows that there is a minor additional shadow cast into the end of the garden of number 106 at mid-day on June 21. Having regard to the maximum height of the first-floor element of the proposed development at 5.5m and its set back off the boundary, the height of the single storey element along the boundary with number 106 (at 3.9m), and the orientation of the two-storey element generally east of the rear garden of number 106 I conclude that the shadow analysis is generally accurate and that no unreasonable over-shadowing of adjoining property will result from the proposed development.

7.10. Disturbance

7.11. The appeal makes a further point that the amenity of the rear garden of number 106 will be negatively impacted by the presence of the private open space allocated to the proposed new house. The proposed development comprises a modest domestic building which can be expected to give rise to domestic scale activity in its garden space. It is reasonable to conclude that this foreseeable level of domestic scale activity will not seriously injure the amenity of adjoining residential property.

7.12. Appropriate Assessment

7.13. Having regard to the modest scale of the proposed development, the likely emissions therefrom, the availability of public water and sewerage and the separation distances from any European site I am satisfied that 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.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. The site is zoned to protect and/or improve residential amenity in the South Dublin County Development Plan 2016-2022. Having regard to the modest scale of the proposed house, the provision of adequate private open space for the new and existing houses on the original plot of 108 Wheatfield Road, and the design measures adopted to mitigate impacts on adjoining property and subject to compliance with the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of adjoining property, would, otherwise, accord with the provisions of the current County Development Plan and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16th day of March 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>The developer shall enter into potable water and wastewater connection agreements with Irish Water.</p>

	Reason: In the interest of public health.
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery and the vehicular and pedestrian gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Hugh Mannion
Senior Planning Inspector

26th July 2021