



An
Bord
Pleanála

Inspector's Report ABP310488-21

Development	Demolish existing gate lodge and erect replacement house.
Location	64-66 Terenure Road West, Terenure, Dublin 6W.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	WEB1300/21
Applicant(s)	Cora Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Vicky and Norah Price
Observer(s)	Olivia Mitchell
Date of Site Inspection	6 th November 2021.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site has a stated area of 1,310 square metres and 25m frontage onto Terenure Road West. There is a pedestrian and vehicular access from the street but most of the boundary has been fenced off with hoardings. There is a single storey nineteenth century gate lodge on site that is unoccupied and appears poorly maintained. The site is generally overgrown. The housing in the area appears to date from circa the 1930s and on either side of the application site there are pairs of semidetached two storey houses. There is apartment development is on the opposite side of the road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a single storey lodge and construction of a detached two storey house with dormer attic and partial basement and a part single/part two storey rear return. There will be separate vehicular and pedestrian access to Terenure Road West, 4 car spaces, boundary and landscaping works at 64/66 Terenure Road West, Dublin 6W.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions. Condition 4 requires the east and west facing windows of the main bedroom be fitted with obscure glazing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant as set out in the manager's order.

3.2.2. Other Technical Reports

Transport Planning reported no objection.

Drainage Division reported no objection.

4.0 Planning History

- 4.1. PL29S.247633 permission refused for the demolition of the gate lodge and construction of two 2 storey detached houses because

“The proposed development would, by reason of the excessive scale, bulk and massing of the two detached dwellings and associated outbuildings, and proximity to the adjoining residential properties, be visually incongruous and be out of character with the existing pattern of development in the area, and of the streetscape, would result in overshadowing of, and loss of outlook from neighbouring properties, and would seriously injure the amenities of the area and properties in the vicinity”.

- 4.2. PL29S.246358 permission granted for demolition of single storey gate lodge, construction of two semi-detached three storey dwellings with rear balconies, garden shed, modification to existing vehicular entrance and front boundary wall, new vehicular entrance and new pedestrian side entrance with side driveway, six car spaces, landscaping and associated development works subject to conditions.

5.0 Policy and Context

- 5.1. The **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009)** supports the provision of additional residential development on infill sites in existing urban areas to achieve a more economic use of public infrastructure and facilities and public transport services.

5.2. Development Plan

- 5.3. The site has two zonings in the **Dublin City Development Plan 2016 to 2022**. The northern element of the site closer to Terenure Road West is zoned Z2 – to protect and or improve the amenities of residential conservation areas. The more southern element of the site and Terenure Road West more generally is zoned Z1 - to protect, provide and improve residential amenities.
- 5.4. Section 16.10.10 – Infill sites.
- 5.5. 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.

5.6. **Natural Heritage Designations**

None.

5.7. **EIA Screening**

5.8. 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 appellants' house (62 Terenure Road West) adjoins the application and has been the appellants' home for 40 years.
- The length of the proposed rear element of the development is excessive in height and depth. At 24ft it is much higher than the 18.5ft height of the rear extensions on adjoining houses. The development is 31ft beyond the established rear building line and has a balcony which will allow overlooking of adjoining houses/rear gardens.

- Facing the appellants' boundary is a 14ft high blank wall 6ft from the boundary with a length of 51ft part of whose purpose is to shelter a pizza oven and bar-b-que stand. These elements combine to be visually obtrusive, overbearing and seriously injure the amenity of adjoining property.
- The unacceptable impact of overshadowing is confirmed by the shadow analysis submitted with the application.
- The proposed development conflicts with the architectural quality of the area and the residential conservation zoning of the site set out in the City Development Plan.

6.2. Applicant Response

- The proposed development complies with the provisions of the City Development Plan. The site has two zonings. The forward part of the site on Terenure Road West is zoned Z2 – residential neighbourhoods Conservation Area while the site to the rear of the building line of the existing gate lodge is zoned Z1 with the objective to protect, provide and improve residential amenity. Additionally, the application complies with Development Plan policy on infill development in existing built-up areas.
- The proposed development is designed to meet the accommodation needs of the applicant's family.
- The planning authority granted permission subject to 10 conditions. One of the conditions required obscure glazing in first floor windows to further protect the amenity of adjoining property.
- There are several precedents in the wider area for similar developments.
- The proposed development is sufficiently distant off the boundaries not to be overbearing or overshadowing of adjoining property. The shadow analysis submitted with the application demonstrates the minimal impact of the proposed development.
- The rear building line is in keeping with the pattern of development along Terenure Road West where the rear building lines of other houses have been changed very substantially since the construction of the road in the 1930s.

- The rear two storey element is sufficiently set back from the adjoining boundaries to prevent any unreasonable overlooking and the planning authority's condition number 4 requiring east and west facing windows to be fitted with obscure glass further prevents overlooking.

6.3. **Planning Authority Response**

- No submission.

6.4. **Observations**

- The application site and adjoining sites are zoned for the protection of residential amenity.
- Both adjoining houses have similar lengths/widths of rear gardens which contributes significantly to the amenity of these houses.
- The proposed development comprises about 255m² of back garden development which far exceeds the exempted development standard.
- Additionally, the development will be too high and unreasonably close to the boundaries of adjoining property in a way that will seriously injure the amenity of that property.
- The proposed development will set an undesirable precedent for similar excessive development in rear gardens in suburban Dublin.

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. **Character of the Area.**

7.2. The area is residential in character and is zoned to protect residential amenity in the City Development Plan. The contiguous elevations are accurately represented on drawing number 20079 203 PP.01 submitted with the application. The houses on both sides are similar two storey houses with a mix of redbrick and plaster render.

The proposed elevation of the new house closely reflects this schema and the proportions of the adjoining houses. I conclude, therefore, that the proposed development is an appropriate form of infill development that complies with the City Development Plan policy and will not be out of character with the pattern of development on Terenure Road West.

7.3. Demolition Element.

7.4. The application provides for the demolition of an existing small single storey house on site. This is not a protected structure nor is it recorded in the NIAH. Having regard to these factors and my on-site observations I conclude that the structure has no particular architectural or other special importance which would require its preservation.

7.5. Impact on Adjoining Property.

7.6. The ground floor is between 14.5m and a 17.9m off the rear boundary of the site. The second storey/roof element is 20.6m off the rear boundary. The Sustainable Residential Development on Urban Areas Guidelines assume a standard separation distance between opposing rear first floor windows of 22m but allows for exceptions to this general rule. I conclude that the separation distances off the rear boundary are adequate to protect the amenity of houses to the south of the application site that face onto Greenlea Road.

7.7. The appeal makes the point that the proposed development is excessively high and too deep and will overlook the property at 62 Terenure Road West.

7.8. In this regard it may be noted that the proposed development has been pulled back from the forward position of the existing structure on site so that it reflects the building line established by the neighbouring houses on the road. The proposed house replicates the gable end is set back about 1.5m off the boundary with number 62 and number 62 has a garage immediately adjoining the application site. There are two first floor windows overlooking the garage roof in number 62. The proposed house is almost exactly due west of the 62 Terenure Road West and therefore the potential for overshadowing is limited. This expected limited overshadowing is confirmed by the shadow analysis submitted with the application. In particular the submitted shadow analysis indicates that the impact will be discernible at 5pm on the summer solstice but I conclude not enough to meet the criterion of serious injury to

the residential amenity of the adjoining property in a manner as to require refusal of permission.

- 7.9. The appeal makes the point that there is a second-floor level balcony which will overlook adjoining property. I am satisfied that there is no such balcony that would allow overlooking but rather two internal courtyard areas that run from ground level to roof level and will not offer views over adjoining property.
- 7.10. The appeal makes the point that the proposed house breaks the rear building line. Generally front building lines are maintained to maintain the streetscape character in urban areas. Rear building lines do not serve the same function and there is no principled planning objection to variation in rear building lines except in so far as they might impact on the amenity of adjoining property. The applicant makes a valid point that there is already some variation in rear building lines in the area. In the present case a substantial rear garden will remain after construction which meets the City Development standards for private open space and for the reasons set out elsewhere in this assessment I consider that this aspect of the application will not unreasonably impact on the amenity of adjoining property.
- 7.11. The appeal states that the proposed elevation along the eastern boundary with appellants' property is excessively long and will unreasonably impact on the amenity of the appellants' property. I agree that it is long (23.5m) but the site is very deep for an urban area (about 52.7m). The two-storey element is about 7.5m long while the remaining element is about 16m. However, having regard to the height of this element at about 4.5m, its set back from the boundary (1.8m) and the findings of the shadow analysis submitted with the application I conclude that while it will be visible from the appellants' property that this element of the proposed development will not seriously injure the amenity of that property by overshadowing or overlooking.
- 7.12. Condition 4 of the planning authority's decision requires that the windows of the main bedroom at first floor be glazed in obscure glass. Given the distances of the windows off the respective eastern and western boundaries this may not be necessary. However, the applicant in the response to the grounds of appeal raises no objection to this condition so I have repeated it in the draft order below.

7.13. **Appropriate Assessment**

7.14. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest 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 permission.

9.0 **Reasons and Considerations**

9.1. The application site benefits from two land use zoning designations in the Dublin City Development Plan 2016 to 2022 both of which seek to protect and improve the residential amenity of the area. Having regard to the pattern of residential development on Terenure Road West, to the nature, scale and design of the proposed development and the relatively large application site and subject to compliance with the conditions set out below it is considered that the proposed development would reflect the pattern of development in the area and would not seriously injure the amenity of adjoining residential property by reason of overlooking or overshadowing, and would accord with the zoning objectives for the site set out in the City Development Plan and 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
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The east and west facing windows at first floor level serving the master bedroom shall be fitted with obscure lazing and maintained as such permanently.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The developer shall enter into water supply and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interests of public health.</p>
5.	<p>The external finishes of the proposed development 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>
6.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise</p>

	<p>management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<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

14th November 2021