



An  
Bord  
Pleanála

## Inspector's Report ABP-310539-21

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<b>Development</b>	Construction of a new 2-storey 3-bedroom dwelling house with vehicular access together with all associated site works and services.
<b>Location</b>	'Ashleigh', 2 Vergemount, Clonskeagh, Dublin 6, D06 R6K8.
<b>Planning Authority</b>	Dublin City Council – South.
<b>Planning Authority Reg. Ref.</b>	3927/20.
<b>Applicant</b>	Sarah Finn.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party – V – Grant.
<b>Appellant</b>	Rodney O'Rourke.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	30 <sup>th</sup> day of July, 2021.
<b>Inspector</b>	Patricia-Marie Young

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## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 315.4m<sup>2</sup> and it consists of the rear most garden space of 'Ashleigh' (No. 2 Vergemount), a period property that is located on the northern side of the junction of Vergemount Park and Clonskeagh Road (R825), in the Dublin city suburb of Rathmines where it adjoins No. 1 Vergemount Park.
- 1.2. The proposed development seeks to subdivide the existing mature rear garden space to accommodate a proposed two-storey dwelling and to provide a revised vehicle entrance to provide access onto the cul-de-sac tree lined road of Vergemount Park. This road is characterised by what would have been originally have been ten matching pairs of 2-storey Art Deco in period and architectural style semi-detached dwellings dating to c1930s. It also contains on-street car parking provision.
- 1.3. Double yellow lines run alongside the site's Vergemount Park roadside verge which are comprised of tall solid walls accommodating an existing vehicle access onto Vergemount Park in close proximity to No. 1 Vergemount Park and two separate pedestrian entrances. Both pedestrian accesses fall outside of the red line area of the site but the vehicle access serving No. 2 Vergemount Park falls within the red line area. This vehicle access is the only vehicle access serving the existing property.
- 1.4. In the immediate area behind this access there is hardstand area that accommodates off-street car parking area and towards the northernmost corner of the site there is an existing single storey structure.
- 1.5. The surrounding area has a mature residential character.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the creation of a residential subdivision in the rear garden area of an existing dwelling 'Ashleigh', (No. 2 Vergemount), with a stated site area of 315.4m<sup>2</sup>, where it is proposed to construct a contemporary in architectural character and use of external materials 2-storey 3-bedroom detached dwelling house with a stated total floor area of 237.2m<sup>2</sup> (and a stated Nett Floor Area of 189.6m<sup>2</sup>), served by two off-street car parking spaces and a new separate connection to public water and foul drainage infrastructure, and served by a vehicle access onto Vergemount Park together with all associated works and services.

- 2.2. According to the Planning Application Form accompanying this application a plot ration of 1:0.7.5 and site coverage of 52% is proposed.
- 2.3. On the 26<sup>th</sup> day of April, 2021, the Planning Authority received the applicant's further information request. Their response did not include any revisions to the proposed development as sought but simply proposed to pay a contribution towards the loss of a mature street tree and provided a document titled: 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours), prepared by Chris Shackleton Consulting.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Planning permission was **granted** for the proposed development subject to 9 no. conditions including:

- Condition No. 3: Vehicle entrance/roads related matters.
- Condition No. 5(a) & (b): Compensation for the loss of an existing street tree (a) and sets out requirements for its removal (b).
- Condition No. 8: Noise control measures during the construction phase.
- Condition No. 9: Deals with the matter of naming and numbering of the dwelling unit.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The **initial Planning Officer's** report dated the 16<sup>th</sup> day of February, 2021, concluded with a request for further information on the following items.

- Item No. 1: Requested the applicant to address to the satisfaction of the planning authority the loss of the street tree to facilitate the proposed vehicle access.

Item No. 2: Required a full shadow analysis of the proposed development in order to address the impact on the residential amenities of the adjoining residents.

### 3.2.2. **Other Technical Reports**

**Transportation:** The final Transportation Planning Division Report, dated May 2021, raised no objection subject to safeguards.

**Parks:** In a report from the Executive Parks Superintendent/Tree Officer dated the 19<sup>th</sup> day of May, 2021, no objections are raised subject to safeguards.

**Drainage:** In a report dated the 18<sup>th</sup> day of January, 2021, no objection subject safeguards.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

3.4.1. A number of 3<sup>rd</sup> Party submissions were received. Including a submission from the 3<sup>rd</sup> Party Appellant in this appeal case. I have noted their content and I consider that the substantive concerns raised in them correlate with those raised by the 3<sup>rd</sup> Party Appellant in this appeal submission to the Board which I have summarised under Section 6 of this report below.

## 4.0 **Planning History**

### 4.1. **Site**

#### **P.A. Ref. No. 3926/20:**

Planning permission refused for a new vehicle entrance accessing off Vergemount Park for reasons relating to the loss of two birch trees from the street which was not considered to be justified have regard to the principles set out under Section 3.3.3 of the Dublin City Tree Strategy 2016 to 2020 which requires entrances to be designed to avoid conflict with trees and to the fact that the Development Plan under Section 16.3.3 is required to have material consideration of this strategy.

## 4.2. In the vicinity

- 4.2.1. A number of what are considered to be planning precedents are referenced by the appellants in terms of their appeal submission. These I have had regard to in my de novo consideration of the merits of the proposed development as part of the preparation of this report. I consider that the site context is unique in its setting and context to the examples referred to and I also consider that all proposed developments should be determined on their individual merits in the context of the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative Development Plan is the Dublin City Development Plan, 2016 to 2022, under which the site is zoned Objective Z2; *“to protect and/or improve the amenities of residential conservation areas”*.
- 5.1.2. Section 14.8.2 of the Development Plan in relation to ‘Residential Neighbourhoods (Conservation Areas – Zone Z2 )’ states: *“the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.”*
- 5.1.3. Chapter 11 of the Development Plan contains policies and objectives regarding Built Heritage and Culture.
- 5.1.4. Section 16.10.2 of the Development Plan sets out Residential Quality Standards for houses.
- 5.1.5. Section 16.10.9 of the Development Plan deals with the matter of ‘Corner’ and ‘Side Garden Sites’. In relation to such developments the Development Plan indicates that these are a means of making the most efficient use of serviced lands that are residential zoned. It also sets out criteria for the assessment of such developments.
- 5.1.6. Section 16.10.10 of the Development Plan deals with the matter of ‘Infill’ housing and similarly to corner and side garden sites it acknowledges that these are a means of

making the most efficient use of serviced lands. It also sets out criteria for such developments.

## **5.2. Natural Heritage Designations**

5.2.1. There are no Natura 2000 sites in the vicinity of the site.

## **5.3. EIA Screening**

5.3.1. Having regard to nature of the development comprising a domestic extension and the urban location of the site 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**

6.1.1. The Third-Party appeal has been prepared and submitted by KPMG – Future Analytics on behalf of Rodney O'Rourke, of No. 1 Vergemount Park. It can be summarised as follows:

- The Planning Authority's notification to grant permission did not address or ameliorate the concerns raised by them in their determination of this application.
- The concerns raised in the further information were not addressed by the applicant in their response to the Planning Authority.
- If granted with no amendments the proposed development will profoundly diminish the residential amenities of the appellants property by way of overshadowing, visual overbearance, diminishment of streetscape setting, loss of light and daylight.
- The sunlight, daylight and shadow assessment submitted to the Planning Authority shows that the development does not pass the VSC test and omits any assessment of windows most affected on the appellants neighbouring property.

- The proposed development is contrary to the established architectural style of Vergemount Park.
- The loss of a tree along Vergemount Park is contrary to local planning provisions.
- The appellants property of No. 1 Vergemount Park is zoned 'Z1' and therefore is subject to the land use zoning of protecting, providing, and improving residential amenities. As such it is located at a transitional point between 'Z2' and 'Z1' zoned lands.
- Reference is made to the Planning Authority's Planner's report in relation to an application that was granted to their property under P.A. Ref. No. WEB1462/16. In their examination of this development, it is contended that the Planning Authority sought to ensure that the extension proposed would not have a detrimental impact on the residential amenity of the adjoining property No. 3 Vergemount Park. By way of further information, it was therefore required to reduce the height and length of the proposed extension to deal with this concern.
- Reference is made to appeal case ABP Ref. No. PL29S.208478 where permission was granted for 2-semi-detached 2-storey 3-bedroom dwellings to the rear of No. 3 Vergemount with access from Vergemount Park. It is contended that these dwellings at 125m<sup>2</sup> were considerably less to what is now proposed in a residential conservation area. It is also put forward that the design provided a modern interpretation of the 1930s Art Deco style and mirrored the set-back areas. The Boards grant of permission included conditions that sought to protect residential and visual amenities.
- The proposed placement of the dwelling seeks to establish maximum separation with the existing dwelling and therefore it is placed right up to the boundary with the appellants property.
- The design and layout do not harmonise with the pattern and character of development in its setting.
- Under P.A. Ref. No. 3926/20 permission was refused for a new vehicle entrance serving 'Ashleigh', No. 2 Vergemount.
- Concern is raised that the Planning Authority accepted a financial contribution in lieu of the loss of tree as opposed to revising the vehicle entrance.



- The overall built form of the dwelling is considered to be bulky in its height, mass, and volume.
- The placement of the two-storey structure placed right on the boundary would result in a harsh and overbearing impact on the common boundary and entrance of the appellant's home. A more sensitive architectural approach would have been to flip the two-storey element to the other side of the site which would have provided a reasonable setback to the appellants property in a manner that also corresponded with setbacks present in its streetscape scene.
- The design includes no reference to the special architectural character of its streetscape setting.
- The proposed courtyard would be overshadowed and would receive limited light therefore not suitable to its function as providing outdoor amenity space.
- The applicant did not submit a shadow analysis as requested by the Planning Authority as part of their further information request.
- The results of the Sunlight, Daylight and Shadow Analysis submitted are not accepted and it is argued that the 2-storey structure as proposed would have a profound and negative impact on the appellants property by way of loss of light to the front of the house particularly. A number of photographs are provided to support this.
- The Board is highlighted of the Atlantic Diamond – Vs – An Bord Pleanála and EWR Innovation Park Ltd. Judgement.
- The analysis carried out does not provide sufficient assurance regarding VCS and shadow impact, specifically in relation to the impact of the two-storey front block on the front (southern elevation and entrance area) of No. 1 Vergemount Park.
- The architectural design of the proposed development ignores the rhythm, character, and patter of dwellings on Vergemount Park in a manner that is contrary to Section 16.2.2.2 of the Development Plan.
- Further concerns are raised that most impacted window beside the appellants front door which is located on the side of their property was not assessed or included in this analysis.

- As a result of the poor layout and siting the proposed development has failed to pass the VSC test and has an overbearing impact on the appellants property.
- The proposed dwelling has been sited 16m away from the rear of 'Ashleigh' allowing for a 23m separation distance between opposing windows and allowing this property to maintain a substantial garden. Whereas a gap of 0.9m is allowed between the proposed dwelling and the appellants property.
- The proposed development sits within a large back garden that has the potential to be positioned further away from the appellants property and still achieve a high-quality design for future residents.
- The minimum separation distances will diminish sunlight and privacy of the appellants property.
- Repositioning the proposed dwelling towards the rear of 'Ashleigh' would achieve significant improvements in terms of safeguarding the appellants residential amenity.
- The proposed development is contrary to the infill development provisions set out under Section 16.2.2.2 of the Development Plan and the Dublin City Tree Strategy.
- This proposed development needs to be comprehensively reconsidered.
- The Board is requested to overturn the Planning Authority's decision but in the event that they are minded to grant permission to do so with material amendments to what is sought.

## 6.2. Applicant's Response

6.2.1. The First Party's response can be summarised as follows:

- She has resided in 'Ashleigh' for all of her life, and she seeks to construct a permanent dwelling within the grounds of her family home so she can be close to her elderly parents so she can care for them.
- The site is residentially zoned, and the proposed dwelling is in keeping with its setting.

- Careful consideration has been paid to the design of the proposed dwelling in light of the established character of the area, its architecture, and the proximity to neighbouring dwellings.
- Only part of the proposed dwelling abuts the boundary shared with the appellants property. There is no window on this first-floor element and no overlooking would arise.
- Vergemount Park has been subject to modifications and extensions over the years since its completion.
- The proposed dwelling does not result in any overbearing impact on the appellants property and the proposal accords with the design principles of the Development Plan for this type of residential development.
- The sunlight, daylight and shadow analysis accords with the requirements set out in 'Site Layout Planning for Daylight Sunlight: A Guide to Good Practice' and BS 8203 Lighting for Buildings, Part 2: Code of Practice for Daylighting' for this type of development and skylight availability for neighbours.
- The proposed dwelling would be discretely assimilated into the site and would be hidden from view. Thus, it would not result in any adverse impact on the character of Vergemount Park.
- The proposed dwelling does not detract from the established building line and is respectful in its scale, height, and proportions to neighbouring properties but also to the site itself.
- The proposed development would not give rise to any adverse overshadowing.
- The proposed dwelling, the proposed car parking spaces through to the access/egress arrangements meet required standards.
- The tree that would be lost from Vergemount Park is a young tree of c140mm girth and 5m height. The Planning Authority has no objection to its loss upon payment of a financial contribution.
- The Board is requested to uphold the decision of the Planning Authority in this case.

### 6.3. **Planning Authority Response**

6.3.1. None received.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. The main issues are those raised in the grounds of appeal submission received by the Board, and it is considered that no other substantive issues arise. The issues can be dealt with under the following broad headings:

- Principle of the Proposed Development
- Residential Amenity Impact.
- Design and Layout.
- Car Parking.

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

### 7.2. **Principle of the Proposed Development**

7.2.1. Under the provisions of the Dublin City Development Plan 2016 to 2022 the site, which is wholly contained within an area zoned Sustainable Residential Conservation Area – Zone Z2. Where the stated land use zoning objective is “*to protect and/or improve the amenities of residential conservation areas*” and where residential development is a permissible use. Accordingly, the principle of the development of a dwelling house at this location is acceptable in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.

### 7.3. **Residential Amenity Impact**

7.3.1. In terms of residential impact, the appellant raises that the proposed development as a result of its poor design, layout, and lack of cognisance to its setting would result not only in a visually intrusive and overbearing built insertion in close proximity to their property but would also significantly diminish their residential amenities both internal as well as externally by way of overshadowing, loss of daylight and sunlight.

7.3.2. In terms of visual overbearance I consider that the placement of the 2-storey elements of the proposed dwelling together with the overall building envelope with a minimal

separation distance of 0.9m between it and No. 1 Vergemount Park is a significant issue with the design resolution but forward for the proposed dwelling. Which could only be resolved as pointed out by the appellant by flipping the 2-storey element towards existing dwelling ('Ashleigh') where there is a significant lateral separation of c23m being maintained or by moving the proposed dwelling towards Ashleigh to create a more meaningful separation distance.

- 7.3.3. This flipping of the 2-storey element away from the southern staggered elevation of No. 1 Vergemount Park. Which I note contains its principal entrance and contains side windows including a large rectangle shaped window that appears to extend from ground to first floor level and which the appellants contend provides significant levels of light to the interior of their home. Would in my view go a long way in mitigating the visual overbearance arising from the close proximity of the first-floor level northern elevations of the proposed dwelling. But also, it would significantly improve the potential for adverse overshadowing and loss of daylight as well as sunlight to the interior and exterior space of this adjoining property. Thus, reducing the potential for adverse impacts to arise on its established levels of residential amenities.
- 7.3.4. Whilst I acknowledge that design is subjective it is a concern that the proposed dwelling does not seek to be clearly contemporary or traditional in its design approach and it appears to take some confused middle ground with the main built features and elements not in my view harmonising or respecting in a meaningful manner the period character of 'Ashleigh' or the Art Deco 1930s coherent and uniform of the 2-storey semi-detached properties that characterise and predominate the streetscape of Vergemount Park. It also takes no cognisance of more recent positive additions within this streetscape setting.
- 7.3.5. Simply replacing the roof structure with a flat roof would go some way to bring the design towards being more contemporary and of its time in its appearance as appreciated from the public domain. It would also further reduce its visually bulky roof structures over that add in my view to its visually overbearing and out of character appearance. The loss of the roof structures would also lessen the overshadowing, reduction in daylighting and sun lighting impact for the adjoining property of No. 1 Vergemount.

- 7.3.6. It would also achieve a more appropriate level of subservience to the existing dwelling 'Ashleigh' and also provide subservience with the Art Deco semi-detached properties that address either side of the cul-de-sac of Vergemount Park. As well as greater legibility as a distinct new built insertion that does not aim by way of its design to overpower or dilute the character and distinctiveness of its streetscape scene in an adverse manner. It would also have the potential to give rise to more light weight and visually less dominant structure at a land use transition point between 'Z2' and 'Z1' lands.
- 7.3.7. Indeed, further qualitative improvements could be achieved by a more respectful to its streetscape setting and of its time palette of materials.
- 7.3.8. In terms of the documentation submitted with this application, in particular the applicant's response to the further information, it is a concern in terms of assessing this proposal that no full overshadowing analysis has been provided as part of their response. Whilst they did submit an undated document titled 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours)', prepared by Chris Shackleton Consulting' and their initial application submitted a shadow study for March and September only these documents together do not in my view present a full detailed analysis of the overshadowing that would arise from the proposed development if permitted.
- 7.3.9. Whilst I am cognisant that the 'Sunlight, Daylight & Shadow Assessment (Impact Neighbours)' document provided is prepared in a manner that accords with 'Site Layout Planning and Daylight and Sunlight: A Guide to Good Practice' and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting'. It does not make up for the deficit in the shadow analysis provided with the initial application in terms of determining actual impact throughout the year, i.e., it does not provide robust and detailed shadow casting analysis for the Spring Equinox, the Autumn Equinox, the Winter Solstice, and the Summer Solstice.
- 7.3.10. In relation to the internal impact on No. 1 Vergemount Park, whilst it may be the case that the large ground to first floor window to the side of the front door serving this property which is paired with a similar in height and dimension window in the façade addressing the public domain of Vergemount Park provide important levels of light to the interior spaces of the appellants home, it would appear that these windows do not serve habitable spaces. The BRE document clearly states that windows to non-

habitable and circulating spaces need to be analysed in terms of assessing impact on neighbouring properties.

- 7.3.11. I also note the appellants concerns that it is not sufficient in terms of analysis to say that just one window failed to meet the Vertical Sky Component (VSC) of 0.8 in a context of several windows in the analysis provided falling significant below this standard and in a context where no meaningful engagement was had to provide an actual accurate breakdown of interior functional uses of No. 1 Vergemount Park.
- 7.3.12. Notwithstanding the analysis that is provided shows that the window that does not meet the VSC target of 0.8 only marginally falls below the requirement with a result of 0.78.
- 7.3.13. Overall, the analysis provided shows that the assessment was carried out in accordance with the required BRE guidelines which are accepted best practice for this type of development and that the level of impact met the specific minimum targets and where the targets cannot be met then an examination of the change between the existing and proposed situation is looked at in terms of change ratio and a target of 0.80 (i.e., a 20% reduction). The analysis provided showed that all windows serving habitable spaces passed the relevant minimum targets of 25% for annual and 5% for Winter Probable Sunlight Hours and as such the change ratio did not apply in this situation given the precautionary approach of the analysis which tested not just windows serving habitable rooms.
- 7.3.14. Whilst the Planning Authority's further information request sought focus on the amenities of properties in the vicinity of concern the information provided with this application fails to provide any assurance of the qualitative amenities of the private amenity spaces proposed within the design and layout of the proposed dwelling's new subdivision.
- 7.3.15. I consider this to be problematic given the restricted nature of the site, the footprint of the building, the area dedicated for off-street car parking and the associated movement of vehicles accessing and egressing from the proposed vehicle entrance through to proposed positioning of what are indicated to be spaces whose primary function is for private open space amenity.
- 7.3.16. I am therefore not satisfied based on the information provided, the orientation of the site, the overall built form of the proposed dwelling and its placement relative to

adjoining residential properties, which are sensitive to change, that it is likely that the proposed development, if permitted, would not give rise to undue diminishment of residential amenities by way of overshadowing through to visual overbearance of the appellants property and also undue overshadowing of the private amenity space of the proposed dwelling.

- 7.3.17. Whilst the principle of the proposed dwelling is in my view acceptable and there are a number of significant factors for consideration that make 'Ashleigh' No. 2 Vergemount a suitable location for the creation of a new residential subdivision to accommodate a proposed dwelling unit given the apparent size of its existing plot. A plot which also benefits from a significant roadside boundary adjoining Vergemount Park with existing vehicle and two pedestrian access onto this public road to accommodate access arrangements. In this instance the proposed design resolution is substandard in terms of its design and layout as well as in terms of the potential for adverse impacts that it would give rise to in terms of the residential and visual amenity of its setting. I therefore do not consider that in the absence of significant and material changes to the design and resolution to address the residential and visual concerns raised that permission could be granted.
- 7.3.18. I do not consider it appropriate that further information and conditions are used to make significant and material changes to a design and layout resolution that requires wholly revisiting and potentially may require a change in the dimensions of the proposed subdivision in order to overcome the residential and visual amenity concerns raised.
- 7.3.19. I also note to the Board that the Development Plan clearly seeks that the overall design and layout for such residential developments requires special care that appropriate regard is had to site context through to that no significant adverse amenity arises (Note: Section 14.8.2 and Section 16.10.10). Based on the considerations above I consider that there are substantive reasons to refuse permission for the proposed development based on the residential and visual amenity impacts of the proposed development sought under this application.

#### **7.4. Car Parking:**

- 7.4.1. In terms of impact on residential amenity of the proposed development I note that two car parking spaces are provided off-street to accommodate the car parking needs of



future occupants. This is in accordance with the Development Plan requirements for this type of residential development when considered in isolation of the red line area.

7.4.2. Of concern, this proposed development comprises of the subdivision of an existing single residential plot which accommodates a substantial size dwelling with an unknown number of bedrooms. The subdivision proposed to accommodate and facilitate the proposed new dwelling is in the location where there is vehicle access onto the public domain of Vergemount Park in close proximity to the boundary with No. 1 Vergemount Park. This space serves as the sole off-street car parking provision for 'Ashleigh'.

7.4.3. As part of this application this area is encompassed into the red line area of the site.

7.4.4. Having regard to the planning history of the site I note that recently planning permission was refused under P.A. Ref. No. 3926/20 for the creation of a new vehicular entrance onto Vergemount Park to serve it and to make up for the loss of off-street car parking for occupants of 'Ashleigh'. The given single reason for refusal reads as follows:

*"The proposed development would require the removal of two mature birch trees on Vergemount Park in front of the subject site. It is considered that the loss of trees to the street is not justified, having regard to the principle set out at Section 3.3.3 of the Dublin City Tree Strategy 2016-2020 which states that entrances should be designed to conflict with street trees. The proposed development would be contrary to the relevant provisions of the Dublin City Development Plan 2016-2022, including Section 16.3.3 (which states that the Dublin City Tree Strategy is a material consideration in the determination of planning applications) and Policy GI28 (which supports the implementation of the Dublin City Tree Strategy). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area".*

7.4.5. Thus, no provision has been made in the design considerations of the proposed development despite the ample size of the plot on which 'Ashleigh', No. 2 Vergemount, for any off-street provision to be maintained or provided for this existing property at a level that meets the Development Plan standards.

7.4.6. As such, if permission is granted for the proposed development, the existing dwelling that lies outside of the proposed new residential subdivision and redline area would

not meet the Development Plan standards in terms of car parking provision and would be reliant on on-street car parking in a residential area where I observed a heavy reliance upon the limited spaces that are available. Particularly, in the immediate vicinity of this property including those present on the cul-de-sac of Vergemount Park. It would result in a situation whereby the occupants and visitors to 'Ashleigh' car parking needs would have to be met by on-street car parking with none aligning with its roadside boundaries.

- 7.4.7. I also consider that there is a conflict between the decision made by the Planning Authority in terms of their decision made in relation to the merits of this proposed development and their recent decision under P.A. Ref. No. 3926/20 in terms of the merits of the loss of one of the mature birch trees that is positioned in the public domain outside of the proposed new vehicle entrance serving the proposed dwelling.
- 7.4.8. Further should any proposed dwelling be considered to the rear of 'Ashleigh' No. 2 Vergemount, it would be reasonable and appropriate to seek that off-street car parking and access for vehicles off the public domain would be considered in co-ordinated and not piecemeal fashion in terms of the subdivision of such a substantive residential plot and not in isolation of the area to which any proposed dwelling is to be sited within a defined new separate curtilage.
- 7.4.9. Further the positioning of the proposed new vehicle entrance instead of utilising the position of the existing vehicle entrance which benefits from a slightly improved lateral separation distance from the junction of Vergemount Park and Clonskeagh Road is not justified particular when its movement closer to this junction does not facilitate shared access to the existing and the proposed dwelling.
- 7.4.10. Moreover, by not utilising the existing entrance a loss of a semi-mature within the public domain is necessitated with this in my view resulting in a poor precedent in streetscape scenes like this where these trees contribute positively to the overall streetscape character and are part of limited biodiversity in such suburban areas in an era where we are very aware of the contribution trees make in not just our battle to reduce greenhouse gases but also the positive impacts they have to the quality of air in our urban landscape settings.
- 7.4.11. In addition to this the maintenance of the vehicle entrance, the driveway through to car parking provision at its existing location would in my view have been one of the buffers

between the proposed new dwelling house and the adjoining property of No. 1 Vergemount Park in the design and layout concept for minimising material overshadowing, visual overbearance through to loss of daylight and sunlight on this property.

- 7.4.12. Based on the above considerations this adds to my concerns that the proposed design and layout of the proposed dwelling is poorly resolved and does not respond creatively to or respect its site context which is advocated by Section 16.2.1 of the Development Plan in relation to such developments.

## 7.5. **Appropriate Assessment**

- 7.5.1. The site does not form part of or is it located near to any Natura 2000 site. It lies within an established suburban area that is fully serviced. Accordingly, no Appropriate Assessment issues arise. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, 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 that planning permission be **refused**. I consider that the single reason and consideration set out below is substantive in its own right to merit the refusal of permission for the development sought under this application.

## 9.0 **Reasons and Considerations**

1. Having regard to the location of the site within a residential conservation area, it is considered that the proposed development, by reason of its height and dominant appearance, its substandard design and layout which fails to respect the character and attributes of its streetscape setting and site context, would be visually incongruous and contrary to the visual amenities of the area, and by reason of its bulk, height and proximity to adjoining properties, and it would seriously injure the residential amenities of such adjoining property, in particular particularly No. 1 Vergemount Park, by reason of loss of daylight and sunlight, and by reason of

being visually overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

25<sup>th</sup> day of August, 2021.