



An
Bord
Pleanála

Inspector's Report ABP 310540-21.

Development

Subdivision of two storey house into two dwellings to include internal reconstruction and two story and single storey extensions to the front side and rear of each dwelling, raised roofs by one metre, dormers and additional front gated vehicular entrance.

Location

1 Riversdale Avenue, Dublin 6.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

2476/21

Applicant

Rita Benaksas

Type of Application

Permission.

Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Neville Russell

Observer

Julia Cullinan and Miriam Kent.

Date of Site Inspection

27th October, 2021.

Inspector

Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 496 square metres and is that of a two storey four bed detached house with a single storey extension to the rear, a garage to the side and front and rear gardens. It is located on the east side of Riversdale Avenue, a cul de sac at the end of which is the site of Riversdale House, approximately fifty metres south the junction with Bushy Park Road and six hundred metres from Terenure Village. Riversdale Avenue has a footpath along the frontage of the properties on the north side and a pull in space for two cars opposite the site.
- 1.2. The properties along the north side of Riversdale Avenue are two storey, mainly semi-detached houses with garages to the side, those towards the eastern end having projecting elements above the eaves as part of the roof profile. Opposite the site there is an apartment block accessed from Bushy Park Road and semi-detached houses along the eastern end of the cul de sac.
- 1.3. The side boundary of the application site adjoins the rear gardens of three properties at Nos 67-71 (evens) Bushy Park Road the north The MS Care Centre is located to the east at Nos 65-67 Bushy Park Road, a detached house at No 2 Riversdale Avenue is to the south side.

2.0 Proposed Development

The application lodged with the planning authority indicates proposals for subdivision of the existing dwelling into two three storey semi-detached four-bedroom dwellings. The site is to be subdivided into two providing for site areas for House No 1 at 268 square metres and for House No 1A at 228 square metres. Internal works comprise reconstruction to the interior of the existing house. House No 1A is to have a floor area of 186 square metres and house no 2 a total floor area of 163 square metres. The height to the ridge is to be 9.50 metres with external finishes in nap render with zinc cladding and concrete roof tiles. Two storey and single storey extensions for each proposed dwelling are to be added to the side, front and rear along with rear dormer windows and veluxes to the front roof slope. The plot ratio proposed is stated to be 0:7 and the site coverage is stated to be 32%. It is stated that four car spaces, two car spaces per dwelling are proposed.

- 2.1. In addition, each dwelling is to have a separate front curtilage and vehicular entrance, the existing entrance being retained and a new vehicular entrance for the second dwelling being created.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 19th May, 2021 the planning authority decided to grant permission subject to standard conditions including removal of exempt development entitlements under Condition No 9. There is additional requirement under condition No 5(i) in which it is stated.

“Driveway entrance for 1A Riversdale Avenue shall be relocated to a position immediately adjacent to the boundary with No 2 Riversdale Avenue and shall be reduced to 2.8 m in width”.

3.2. Planning Authority Reports

- 3.2.1. The report of the Transportation Planning Division indicates no objection to the proposed development subject to a condition providing for relocation of the entrance proposed for No 1A, which is also to be reduced to a width of 2.8 metres, to a new position directly adjacent to No 2 Riversdale Avenue, that inward opening gates only be erected and standard requirements.
- 3.2.2. It is stated in the report that the juxtaposition of the existing and proposed entrance is unacceptable and that the requirement for the modifications is necessary in order to allow space on the adjacent carriageway for on street parking for one vehicle.
- 3.2.3. The report of the Drainage Division indicates no objection subject to conditions.
- 3.2.4. The Planning Officer in his report having taken the recommendations in the technical reports into account recommended that permission be granted subject to conditions which include repositioning of the proposed new entrance. He considers the proposed development otherwise to be acceptable having regard to the visual and

residential amenities of the area and the residential qualitative standards of the proposed dwellings.

3.3. **Third Party Observations**

Submissions were lodged by individual parties and by the Terenure Residents 'Association in which issues of concern raised include: -

Objections as to obstruction of vehicular circulation and additional demand for on street parking with risk to public safety particularly at the junction with Bushy Park Road. at which sightlines are substandard owing to the intensification of development.

Objection to the scale, size, increased height, design and external finishes leading to adverse visual impact.

Overlooking, from the proposed dormers of adjoining properties.

Concerns for the protection of a privately owned green space opposite the site from inappropriate use or damage during construction.

4.0 **Planning History**

There is no record of planning history for the application site.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective Z1: *to protect, provide for and/or improve residential amenities.*"

The indicative site coverage is 45% and indicative plot ratio is 0.5 – 2.0.

According to Section 16.10.13 subdivision of dwellings may be permissible in highly accessible areas subject to the residential amenity standards set out in Chapter 16 and compatibility with the architectural character of the building. Provision for less

than one space per dwelling unit may be accepted to encourage occupation of dwellings by households with less car ownership.

Development management standards are set out in chapter 16.

Residential quality standards are set out in section 16.10.1

Section 16.2. provides design principles and for compatibility in new development with surrounding built context and character. Section 16.2.2 contains standards for infill developments

The location is within Area 3 for Carparking standards for which there is a requirement for maximum provision of 1.5 spaces per dwelling.

According to Vol 2. Chapter 5. "Where driveways are provided, they shall be at least 2.5 m or, at most, 3.6 m in width, and shall not have outward opening gates. The design standards set out in the planning authority's leaflet 'Parking Cars in Front Gardens' shall also apply. In residential developments, a turning bay/parking area for all vehicles, including public service vehicles, shall be provided, and such roadway/turning area shall be designed to the standards set down by Dublin City Council.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by Louis Burke on behalf of Neville Russell of Riversdale Lodge on 16th June, 2021.

According to the appeal: -

"The proposal will generate a traffic hazard at the junction of Riversdale Avenue and Bushy Park Road and will be injurious to adjoining properties. Therefore, the proposed development could not be considered in accordance with the proper planning and sustainable development of the area."

6.2. Applicant Response

6.2.1. There is no submission from the applicant on file.

6.3. Planning Authority Response

6.3.1. There is no submission from the planning authority on file.

6.4. Observations

A submission was lodged by Julia Cullinan and Miriam Kent of No 10 Riversdale Avenue on their own behalf on 13th July, 2021. According to the submission:

- The proposal is a significant development and will generate additional traffic on the road, which is a cul de sac, is relatively narrow and on which there is demand for on street parking by residents. The proposed entrances are narrow and may restrict movement of vehicles within the curtilages and this will result exacerbate the existing congestion and parking on the road and footpaths. Emergency vehicles could difficulty with access along the road due to its narrow width.
- It is requested that there should be arrangements for management of vehicles during construction so there is no objection along the road, that no parking be permitted on the green area and that all materials and machinery are stored within the confines of the site.

7.0 Assessment

7.1. The sole objection to the proposal raised in the appeal is that of traffic hazard at the junction of Riversdale Avenue with Bushy Park Road. This matter is first considered followed by a brief overall review of the proposed development having regard to; -

Proposal for Subdivision.

Traffic and Parking on Riversdale Avenue,

Dwelling form, height and Design / Visual impact

impact on residential amenities of adjoining properties,

Environmental Impact Assessment Screening and,

Appropriate Assessment

7.2. Traffic hazard at the junction of Riversdale Avenue with Bushy Park Road.

- 7.2.1. The proposed development owing to replacement of a relatively large-detached dwelling with two dwellings involves a minor increase in trip generation and corresponding turning movements at the junction onto and off Bushy Park Road and limited, if any noticeable queuing of vehicles that could contribute to congestion. It Notwithstanding the relatively narrow width of Riversdale Avenue, and the limited footpath provision it is not accepted traffic volumes on Bushy Park Road and, the sightlines along Bushy Park Road in either direction at the junction. It is of note that no concerns as to traffic hazard at the junction with Bushy Park Road were raised by the Transportation Planning Division's report. It is considered that there is no substantive basis on which it can be concluded that the proposed development would result in traffic hazard on Bushy Park Road or, cause injury to residential amenities at the junction.

7.3. Proposal for Subdivision and Residential Quality.

- 7.3.1. Generally, it is considered reasonable that proposals for subdivision be considered on their own merits. The proposed development does appear to involve extensive demolition works to the existing structure to provide for the alterations and extensions to facilitate, (as opposed to demolition in entirety) to provide for the proposed subdivision into two dwellings. Nevertheless, having regard to the zoning objective it is agreed with the planning officer that the proposal would be in accordance with section 16.10.3 of the CDP with regard to subdivision of existing dwellings having regard to the availability of transport and facilitates to the location, and achievement of standards of attainable residential amenity consistent with the relevant provisions of Chapter 16 the CDP in regard to dwelling size, internal layout, fenestration and private open space provision.

7.4. Visual and Residential Amenities of the Surrounding Area.

- 7.4.1. With regard to compatibility with and integration into the established character of the surrounding built environment, it is considered that the proposed development would be acceptable. The footprints, increased mass, gable ended roof profile, the raised roof level and pitch can be assimilated into the streetscape owing to the location at the western end of the row of houses on the northside of Riversdale Avenue and distance from the properties facing onto Bushy Park Road and junction without

adverse visual impact. It is of note that the projecting element above the eaves on the front façade is an existing feature to the dwellings at the eastern end of the cul de sac.

- 7.4.2. It is agreed with the planning officer that the zinc clad attic level box dormers at the rear for the main bedrooms are considerable in size but it is considered that undue overlooking of the adjoining properties from the windows would not occur, owing to the setbacks from the roof edges and the separation distance from the rear boundary adjoining the MS Care Centre directly to the north.
- 7.4.3. Should permission be granted, a condition for removal of exempt development entitlements as required by condition attached to the planning authority decision, to allow for planning review in the event of further development proposals would be appropriate.

7.5. Parking and Entrance Arrangements.

- 7.5.1. The site frontage is considerable, extending over a distance of thirteen metres. As such the proposal to provide for a second entrance reduced in width and relocated from the position proposed in the application to the eastern end of the frontage as recommended in the Transportation Division's report, would satisfactorily provide for separate entrances and front curtilage parking for two spaces for each dwelling. The location the proposed additional entrance allows for sufficient space along the site frontage to be available for on street parking. Most of the dwellings along Riversdale Avenue have the benefit of off-street parking and garages and in addition there is a parking bay for two cars opposite the application site. It is considered unlikely that any additional demand for on street parking would be significant or would cause unauthorised spill over parking on the public road. It is considered that the modifications to the proposed entrance arrangements required by the Transportation Division can be addressed by condition.

7.6. Environmental Impact Assessment Screening.

- 7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment Screening.

- 7.7.1. Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Given the foregoing, it is recommended that the decision of the planning authority to grant permission be upheld based on the Reasons and Considerations and conditions which follow:

9.0 Reasons and Considerations

Having regard to:

Section 16.13 of the Dublin City Development Plan, 2016-2022 providing for consideration of subdivision of dwellings in highly accessible areas.

The highly accessible location and the established pattern and character of development in the area.

The size and configuration of the site the subdivision of which is proposed,

The proposed site layouts which include provision for parking in the front curtilages, footprints, mass, scale, height, and design for the proposed dwellings

The marginal increase in generation of additional traffic and turning movements at the junction of Riversdale Avenue with Bushy Park Road and in additional demand for on street parking.

It is considered that, subject to the conditions set out below the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure to the visual amenities of the area or the residential amenities of adjoining properties, and would 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. Prior to the commencement of development, the applicant shall submit and agree with the planning authority the following requirements:

The proposed new entrance and gate which shall be inward opening only for No 1A, shall be reduced to a maximum width of 2.8 metres and shall be relocated to the eastern end of the site frontage adjacent to the boundary of No 2 Riversdale Avenue.

Reason: to provide for retention of on street parking at the site frontage and in the interest of vehicular and pedestrian safety and convenience.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the site curtilage in the absence of a prior grant of planning permission.

Reason: To allow for further planning review having regard to the limited site size and residential amenity,

4. The houses shall be occupied as a single dwelling units and shall not be subdivided or used for commercial purposes the extension shall not be let, leased or otherwise transferred save as part of the single dwelling unit.

Reason: In the interest of clarity and residential amenity

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

Reason: In the interest of public health and clarity.

6. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. The sites shall be landscaped in accordance with a comprehensive scheme of landscaping and boundary which shall be submitted and agreed in writing with the planning authority and shall be implemented within the first planting season following construction of the replacement dwelling. It shall include:

- A full works specification for hard and soft landscaping
- A detailed planting scheme Retention of all boundary walls and hedgerows shall be retained.
- Any failed or seriously damaged or diseased plants, shall be replaced within the next planting season following completion of the development, with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity and orderly development.

8. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

9. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, excluding public holidays, and 0800 hours to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including construction traffic routing and management, construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste. The plan shall also be prepared in accordance with, "*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

11. 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.

Jane Dennehy
Senior Planning Inspector
28th October, 2021.