



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311400-21

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<b>Development</b>	Demolition of garage and construction of a house.
<b>Location</b>	6 Belgrove Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3026/21
<b>Applicant(s)</b>	Shane and Rebekah Dalton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party vs. Grant
<b>Appellant(s)</b>	Residents of 14-20 Summerville
<b>Observer(s)</b>	Donal & Gillian O'Mahony
<b>Date of Site Inspection</b>	10 <sup>th</sup> February 2022
<b>Inspector</b>	Stephen Ward

## 1.0 Site Location and Description

- 1.1. The site is located along Belgrove Road, which links Clontarf Road (to the south) with Kincora Road (to the north). It is c. 250 metres northwest of the main commercial core of Clontarf at the southern end of Vernon Avenue. The surrounding area has a strong residential character consisting of varied house types. The eastern side of Belgrove Road mainly consists of mature 2-storey terraced housing with red-brick facades. The western side of the road (including the appeal site) contains a more modern and varied character of mainly single-storey and dormer detached dwellings.
- 1.2. The appeal site is relatively flat and comprises a single-storey dwellinghouse on a total site area of 1,418 square metres. There is a small greenhouse and a large, detached garage with a mansard roof to the rear of the existing dwellinghouse. The rear garden is large and contains mature trees. It is approximately 45 metres in length and over 18 metres in width. There are two vehicular entrances along the front site boundary, one in the northeast corner and one in the southeast corner.
- 1.3. To the north of the appeal site is a dormer dwelling with a similarly large rear garden and outbuildings. To the west are the rear gardens of properties within Kincora Park (No.'s 17-18), which is a residential cul-de-sac comprising 2-storey semi-detached dwellings. To the south of the existing dwelling on the appeal site is a similar single-storey detached dwelling. To the south of the existing rear garden are the adjoining rear gardens of neighbouring terraced properties in Summerville (No.'s 13-20), which is a small infill residential estate. The rear garden is bound by a high boundary (c. 1.8 – 2m) consisting mainly of a concrete block wall and adjoining fencing/planting.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new dwelling to the rear of the existing dwelling on site. In summary, the proposed development involves the following works:
  - Demolition and alterations to the side wall and roof of existing dwelling to provide widened access to the rear of the site.
  - Demolition of existing greenhouse and garage.

- Construction of 2-storey 3-bedroom house (243m<sup>2</sup>) to the rear of the site.
- New vehicular access and parking
- Subdivision of rear garden to provide 2 storage sheds and 2 areas of private open space for the existing and proposed dwellings.

2.2. The proposed dwelling is a 2-storey flat-roof structure of contemporary design and an overall parapet height of c. 6.2m. The ground floor would be finished in a selected brick while the first-floor level would be finished in render. It would have three bedrooms within an overall stated floor area of 243 sq.m. Vehicular access is proposed via a separate road along the northern site boundary. The existing access at the southeast corner of the site would be maintained for no. 6.

2.3. It is proposed to connect the new dwelling to the existing watermains and foul sewer along Belgrove Road. Surface water would be attenuated and discharged on site via Wavin Aquacell system (or similar) and soakway to the rear of the site.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 19<sup>th</sup> August 2021, Dublin City Council (DCC) issued notification of the decision to grant permission, subject to conditions, which are mainly standard in nature. Condition No. 12 states as follows:

*Prior to commencement of development, the developer shall enter into an agreement with the Planning Authority, pursuant to section 47 of the Planning and Development Act, 2000, which shall allow for provision of shared access over the proposed access way as outlined at Section 1.8 paragraph 3 of the applicant's covering report received by the Planning Authority on 25-Jun-2021. This shared access shall make provision for facilitating the possible future development of lands to the north of the proposed development.*

*Reason: In the interest of co-ordinated development.*

## 3.2. Planning Authority Reports

### Planning Reports

3.2.1. The planning officer's assessment can be summarised as follows:

- There is no objection to the demolition of existing buildings and alterations to the existing dwelling.
- The Transportation Planning Division has no objection to the proposed entrance arrangements.
- The plot ratio and site coverage would be low, and the proposal would not represent overdevelopment of the site
- While third party submissions have questioned the height details provided, the planning authority must accept the *bona fides* of the drawings submitted in terms of accuracy.
- The proposal would result in a degree of overlooking but would not be detrimental to the amenities and privacy of adjacent dwellings.
- The height and proximity of the dwelling to adjoining properties is not excessive and would not result in overbearing or overshadowing impacts.
- The visual impact would be reasonable and the relationship between the proposed dwelling and surrounding houses would be consistent with the established pattern of development (e.g. the relationship between No.'s 20 & 21 Summerville).
- The application demonstrates that the proposed access could serve future houses to the north, although this is indicative only. The applicant has indicated agreement to provide future access via a Section 47 agreement.
- The proposed garden areas and sheds would be acceptable.
- In conclusion, the development would be consistent with development plan policies to increase densification in the interests of compact development, and that the proposed dwelling would not have excessive or unacceptable impacts on existing dwellings.

A grant of permission was recommended, subject to conditions, which forms the basis of the DCC decision.

#### Other Technical Reports

- 3.2.2. The 'Engineering Department – Drainage Division' report outlines that there are no objections to the development, subject to standard conditions.
- 3.2.3. The 'Transportation Planning Division' concludes that access arrangements are acceptable and has no objection subject to standard conditions.

### 3.3. **Prescribed Bodies**

None.

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

3.4.1 There were several third-party submissions recorded on the planning file. The issues raised are largely covered in the grounds of appeal and include:

- The need for clarification of drawings, images and height/level details
- Overbearing, overshadowing, noise, and overlooking impacts on existing dwellings
- Inadequate sunlight/daylight assessment
- The planning history of the site, including a Board refusal under ABP Ref. PL 29N 238436.
- The absence of 'infill, 'brownfield' or 'comprehensive backland development' and conflict with the pattern of development in the area
- The proposal would constitute piecemeal backland development
- Negative impacts on the existing local environment and property value
- The proposed dwelling is out of character with existing development
- Overdevelopment and precedent for further similar development
- Loss of vegetation.

## 4.0 Planning History

4.1. The following history relates to the appeal site:

- **ABP Ref. PL 29N.238436** - Permission refused (20th June 2011) for the demolition of garage and erection of a dormer type dwelling. The reason for refusal was as follows:

*Having regard to the backland location of the site, the pattern of development in the area, including small private gardens and the dormer dwelling design of the proposed development, proximate to boundaries, it is considered that the proposed development would give rise to overlooking of adjoining property and its form and bulk would be visually obtrusive. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.*

- **P.A. Reg Ref. 3270/10**: Permission refused (15<sup>th</sup> September 2010) for demolition of garage and construction of new 2-storey dwelling to the rear. The reason for refusal was as follows:

*The scale, siting, design and massing of the proposed development is considered to be excessive and out of character with the established pattern of development in the area. This would constitute over- development of the site, would result in adverse visual and overbearing effects on adjoining dwellings and would be out of keeping with the general scale of development in the area, and would seriously injure the amenities of the area and of property in the vicinity and thus contravene the zoning objective for the area, which is 'to protect and/or improve the amenities of a residential area'. The proposed development would therefore be contrary to the proper planning and development of the area.*

4.2 The following history is of relevance in relation to the surrounding area:

- **ABP Ref. 307837-20** - Permission granted (18<sup>th</sup> January 2021) for construction of two storey, flat roofed contemporary-style mews dwelling at 25 Belgrove Road.

- **ABP Ref. 307612-20** - Permission granted (8<sup>th</sup> October 2020) for construction of two storey, flat roofed contemporary-style mews dwelling at 23 Belgrove Road
- **ABP Ref. 301905-18** - Permission granted (21<sup>st</sup> November 2018) for house, access and all associated site works.

## 5.0 Policy Context

### 5.1. National policy and guidance

5.1.1 The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings.

5.1.2 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009) sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

5.1.3 The guidance document 'Quality Housing for Sustainable Communities' (DoEHLG, 2007), identifies principles and criteria that are important in the design of housing and highlights specific design features, requirements and standards.

### 5.2. Development Plan

5.2.1 The operative plan for the area is the Dublin City Development Plan 2016-2022. The site is within an area zoned 'Z1 Sustainable Residential Neighbourhoods', where the land use zoning objective is "*to protect, provide and improve residential amenities*".

5.2.2 Section 4.5.3.1 relates to urban density and promotes sustainable density, compact development, and the efficient use of urban land. Chapter 5 outlines the Council's approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity.

- 5.2.3 Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 “Design, Principles & Standards” provides design principles outlining that development should respect and enhance its context.
- 5.2.4 Section 16.2.2.2 discusses ‘Infill Development’ i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape. Section 16.10.10 deals with ‘Infill Housing’ and states that the Council will allow for infill housing on appropriate sites. In general, such proposals should comply with all relevant standards, but standards may be relaxed in certain circumstances to facilitate the development of underutilised lands.
- 5.2.5 Section 16.10.2 of the Plan sets out ‘Residential Quality Standards’ for houses, relating to floor areas; aspect, natural light and ventilation; and private open space.
- 5.2.6 Section 16.10.8 deals with ‘Backland Development’ and states that the Council will allow for comprehensive backland development where the opportunity exists. It acknowledges the potential negative impacts for surrounding properties and states that applications will be considered on their merits.

### 5.3. **Natural Heritage Designations**

The nearest designated site is the South Dublin Bay and River Tolka Estuary SPA, located c. 200 metres to the south of the appeal site.

### 5.4 **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising a new dwelling house in a serviced urban area, 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 stage and a screening determination is not required.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

The decision of DCC to grant permission has been appealed by the residents of 14-20 Summerville, Clontarf. The appeal has been prepared by Brennan Furlong (Architects and Urban Planning) and the grounds of appeal can be summarised as follows:

- The need to clarify the levels and building height of existing and proposed development on the site and on surrounding properties to fully assess the impact of the development. This has not been adequately investigated.
- The development will have a significantly overbearing impact on No.'s 17 & 18 Summerville.
- The 'artistic impression' image is not a realistic representation of how the proposed development would look.
- There is no evidence from the relevant owners to support the potential future development of the sites to the north. It is accepted that these are not 'firm plans', but it is appropriate that 3<sup>rd</sup> parties should comment on the indicated potential.
- No sunlight/daylight analysis has been included in the application.
- The proposal does not overcome the Board's reasons for refusal in the previous proposal on the site (ABP Ref 29N.238436). Notwithstanding the amended design, the site remains a 'backland location' and the 'pattern of development in the area' has not changed.
- The application can not be described as 'comprehensive' backland development as referenced in the Development Plan. It would constitute piecemeal, premature development which would conflict with the pattern of development.
- The proposal would result in overlooking of adjoining properties.

- The site cannot be accurately described as ‘infill’, ‘brownfield’ or a ‘corner / side garden site’. It is a landlocked suburban back garden and should be assessed as such under section 16.10.08 of the Development Plan.
- The proposal does not respond to the existing character of the area and fails to demonstrate the creation of a sense of place.
- Loss of vegetation and habitat will detract from the local environment.

## 6.2. Applicant Response

The applicant’s response to the appeal (prepared by O’Neill Town Planning Consultants) can be summarised as follows:

- The main grounds of appeal appear to relate to the content of the application and the manner in which it was assessed. Other than its proximity, there is nothing to demonstrate any purported negative impacts on the residents.
- The proposal is on a serviced site within Dublin City and is consistent with NPF and Development Plan policy, including zoning, design principles, and development standards.
- The proposal will have minimal impact on residential amenity or the character of the area.
- The potential future development of the sites to the north has been included to address DCC concerns about potential access, which would be clarified by the section 47 agreement required under condition no. 12 of the DCC decision, which the applicant accepts.
- The existing and proposed dwelling would comply with Development Plan standards for site area, floor area, car-parking and private open space.
- The proposed design has been predicated on the previous Board refusal and the concerns of neighbours. Neither daylight or sunlight to properties to the west will be interfered with. The nearest 1<sup>st</sup> floor window is 29m away and properties to the south are a minimum of 13m from the proposed side wall. Any overlooking would be from a distance and would be mitigated by planting.
- The measurement of 3.6m in Drawing (P)101 refers to the existing site level where the proposed dwelling will be located. It does not refer to the finished

floor level of the existing dwelling, which for clarification is 4.2m in this drawing.

- The south elevation facing Summerville has been designed with the neighbouring properties in mind. The form has been broken down and mature trees to the west will be retained. All concerns of overlooking and privacy have been dealt with through the design. Condition no. 14 (external finishes) protects the amenity of residents and there is scope to install another full-height obscured window in the walk-in wardrobe if there is need to further break up the south elevation.
- Drawings have demonstrated the applicant's intention to retain the shared boundary wall with Summerville residents. The level survey details are reflected in site section drawings and the sloping ground (in No. 20 Summerville) referenced in the appeal is insignificant as the rise is 4.5° or 300mm.
- The artistic impression drawing is just that, an impression. The boundary wall referenced in the appeal is not visible due to existing trees and there is no evidence to show that proposed trees would not grow in accordance with the image presented.
- The variety of ways in which an infill site is described is incidental to one understanding of the appropriateness of development on the site, given the over-arching policies of the Development Plan. It has been demonstrated that the site is capable of sustainable development which would create minimum worry to neighbours either by overlooking, overbearing or overshadowing.

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

No response has been received from DCC.

### **6.4. Observations**

An observation has been received from Donal & Gillian O'Mahony of 16 Kincora Park. The issues raised can be summarised as follows:

- The submission expresses support for the contents of the appeal and shares the concerns relating to size, dimensions, and negative impacts on surrounding properties.
- The proposal would be visually intrusive and out of character, and the drawings and images do not accurately reflect its impact.
- The drawing indicating potential development on sites to the north appears to introduce the idea of further development, with the current proposal setting the platform for a phase II development. Concerns in relation to such future development have been set out in their original submission to DCC.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and having inspected the site and considered the relevant local and national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Visual amenity
- Residential amenity
- Access and traffic

## 7.2 **Principle of the development**

7.2.1 The appeal site is contained within an area zoned 'Sustainable Residential Neighbourhoods – Z1', where the land use objective is to protect, provide and improve residential amenity, and where residential development is considered a permissible use. Accordingly, there is no objection to the proposal in principle from a zoning perspective.

7.2.2 The appeal raises questions regarding the nature of the site itself, more particularly whether it is an 'infill' or 'backland' site. I acknowledge that the site of the proposed dwelling comprises a rear garden within an established row of houses along Belgrove Road and that, as such, it exhibits characteristics of 'backland'

development as defined in section 16.10.8 of the Development Plan. I acknowledge that section 16.10.8 allows for 'comprehensive' backland development, but does not preclude individual sites, depending on further assessment of impacts regarding amenity and access.

7.2.3 The site must also be seen in the wider context, including an established urban form to the east, west and south of the site, which would be consistent with 'infill development' as described in section 16.2.2.2 of the Development Plan. Accordingly, I am satisfied that the provisions relating to infill development should apply to the site as contained in the Development Plan and the national policy/guidelines outlined in section 5.0 of this report.

7.2.4 In conclusion, I am satisfied that, from a zoning and policy perspective, the construction of a new dwelling house at this location is acceptable in principle. However, the Development Plan is consistent in stating that the suitability of any such proposal would be subject to detailed consideration of the impacts on visual amenity, residential amenity, traffic conditions and other standard assessment criteria, as is discussed in the following sections of my report.

### **7.3. Visual amenity**

7.3.1 The existing dwelling is not included on the Record of Protected Structures and the appeal site is not part of a designated conservation area or any other sensitivity designations. The alterations to the existing dwelling at the front of the site are quite minor in nature and would not adversely impact on the character of the structure or surrounding development. There would be no objection to the demolition of the existing garage to the rear. Accordingly, I have no objection in this regard.

7.3.2 The location of the proposed new dwelling is quite concealed at the rear of the site. It is largely screened from the public realm by the existing surrounding houses to the east, west and south. I note the concerns raised about the accuracy of the 'artistic impression'. However, I would accept that such images are generally intended to indicative of the design concept only. In the interest of clarity, I confirm that I will not consider this image in my assessment.

7.3.3 In assessing the levels and height of the proposed development, I accept that there is potential to confuse whether the drawing annotations refer to the existing or

proposed dwelling. However, the applicant's response to the appeal has clarified that the level indicated as 3.6m refers to the proposed dwelling and that the finished floor level of the existing dwelling is 4.2m. I am satisfied that these details are consistent with my visual inspection of the site and the other drawings submitted. I accept that the maximum height of the proposed dwelling would be higher than the existing dwelling. However, I do not consider that this would be overly apparent in reality due to the recessed location of the proposed dwelling and the screening provided by existing development.

7.3.4 In conclusion, I consider that the proposed development would be largely concealed from the surrounding public realm and would have minimal visual impact on the character of the area or visual amenity. Accordingly, I have no objection in this regard.

#### **7.4 Residential amenity**

##### The proposed dwelling

7.4.1 Section 16.10.2 of the Development Plan states that houses shall comply with the standards for internal layout and space as outlined in section 5.3 of 'Quality Housing for Sustainable Communities' (DoEHLG, 2007). With a gross floor area of c. 243m<sup>2</sup>, the proposed dwelling significantly exceeds the maximum target gross floor area for any type of dwelling under these standards. I am also satisfied that ample space has been provided for individual rooms and storage.

7.4.2 Section 16.10.2 of the Plan acknowledges that private open space is usually provided by way of private gardens to the side or rear of the house. In terms of quantity, the Development Plan states that a minimum standard of 10 sq.m. per bedspace will normally be required and that, generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city. The application proposes a large rear/side garden of c.291.2m<sup>2</sup>, whilst also retaining a rear garden area of c. 200m<sup>2</sup> for the existing dwelling. Both spaces will provide an acceptable level of private open space for the existing and proposed house.

#### Overlooking of surrounding properties

- 7.4.3 The rear garden is currently defined by high boundary walls and vegetation, which would be retained in the proposed development. I am satisfied that this will adequately protect from any overlooking impacts at ground floor level.
- 7.4.4 At first floor level, I consider that the proposed dwelling has been appropriately designed to ensure that all windows (except an opaque bathroom window) would be more than 11 metres from the boundary if faces and more than 22m from any opposing 1<sup>st</sup> floor windows. I consider this to be consistent with the general standards as outlined in the Sustainable Residential Development Guidelines (2009).
- 7.4.5 Accordingly, I am satisfied that the proposed development would not adversely impact on the privacy or amenity of surrounding properties by reason of overlooking.

#### Daylight / sunlight impacts on surrounding properties

- 7.4.6 The BRE (Building Research Establishment) publication 'Site Layout Planning for Daylight and Sunlight, A guide to good practice' outlines that new development is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building if the angle to the horizontal subtended by the new development at the centre of the existing window is less than 25°.
- 7.4.7 In this case I acknowledge that level details have not been provided for the surrounding properties and therefore the 25° approach cannot be measured to existing windows in this way. However, an alternative reverse approach can be applied whereby a 65° angle from the vertical of the proposed dwelling is measured. Using a parapet height for the proposed dwelling of 6.2m, and assuming that surrounding properties are at an equal level, I calculate that the centre-point of any window (i.e. 1.5m high above ground level) would have to be within 10 metres of the proposed development in order to be substantially affected. Even allowing for a worst-case scenario where surrounding properties were 1 metre lower than the proposed dwelling (which I do not consider to be the case), they would still need to be within 12 metres of the proposed dwelling to be significantly affected. Given that the windows in all surrounding dwellings are more than 12 metres from the proposed dwelling, I am satisfied that daylight to existing properties would not be significantly affected by the development.

7.4.8 In relation to the impact of sunlight on adjoining windows, section 3.2 of the BRE Guide outlines that obstruction to sunlight may become an issue if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window. In this case, only the windows in No.'s 16-19 of Kincora Park (to the west) would face the proposed development and be within 90° of due south. However, as outlined in the previous paragraph, no part of the proposed development would subtend an angle of more than 25° to the horizontal measured from the centre of these existing windows. Accordingly, I am satisfied that significant sunlight impacts will not arise.

7.4.9 Section 3.3 of the BRE Guide states that existing gardens and open spaces would be adequately sunlit if at least half of the space receives at least 2 hours of sunshine on 21<sup>st</sup> March, or if, as a result of the new development, the area which receives 2 hours of sunshine on 21<sup>st</sup> March is not reduced to less than 0.8 times its former value. Having regard to the limited height and scale of the proposed dwelling, its separation distance from surrounding gardens, and the significant size of the surrounding gardens to the east, west and north of the site, I am satisfied that the proposed development would not result in any unacceptable impacts on sunlight levels to adjoining gardens.

#### Overbearing impacts on surrounding properties

7.4.10 Overbearing impacts are generally caused as a result of the scale, height and design of a proposed development, together with its orientation and distance in relation to existing development. In this case the proposed dwelling has been designed as a relatively low-profile flat-roof structure with a parapet height of 6.2 metres. It is generally more than 13 metres away from the nearest existing properties.

7.4.11 The scale of the proposed development has been broken down into a variety of separate forms and the elevations have been articulated through the use of varied materials and fenestration. A variety of building setbacks and overhangs provide depth and visual interest. Overall, I consider that the approach results in an appropriate design which has a suitable height and separation from surrounding



properties. This avoids the creation of an overbearing appearance and I have no objection in this regard.

### Conclusion

7.4.12 Having regard to the above, I am satisfied that the proposed development will provide an acceptable level of residential amenity for the prospective occupants of the proposed dwelling and the existing dwelling on site and will not seriously detract from the residential amenity of surrounding properties by reason of overlooking, overshadowing or overbearing impacts. The proposed new dwelling would be compatible with the pattern of surrounding development and would not otherwise seriously detract from the amenity of existing properties by reason of noise or other disturbance. Similarly, I see no evidence that the proposed development would seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## **7.5 Access and traffic**

7.5.1 The application proposes to retain the two existing site entrances as separate entrances to each dwelling. It would not, therefore, alter the existing entrance arrangements onto Belgrove Road. The additional dwelling would result in an intensification of traffic movements at the site. However, I consider that this would be minimal when considered in the context of the wider surrounding area and the multiple turning movements onto Belgrove Road from other properties. Given the low volume and speed of traffic at this location, I am satisfied that adequate sight distances would apply and that the proposed development would not interfere with the safety and free flow of vehicular and pedestrian/cyclist traffic at this location.

7.5.2 Having regard to the parking standards set out in section 16.38 of the Development Plan, the site is within 'Area 3' and would require 1.5 parking spaces per house, which I consider is comfortably provided for both the existing and proposed houses.

7.5.3 The application includes a 'Potential Future Development Plan'. It is clear that this is not part of the application and is included for indicative purposes only. Any such proposal would clearly be subject to full assessment on its merits if subsequently proposed as a planning application. Nonetheless, I am satisfied that the plan demonstrates that access to backlands would not be blocked and that, as such,

refusal of the proposed development would not be warranted on grounds of piecemeal development. I also note the applicant's willingness to enter into a section 47 agreement in this regard as outlined in condition no. 12 of the DCC decision.

## **7.6 Other issues**

### Planning history

7.6.1 I acknowledge the planning history relating to the site, including the previous proposal refused by the Board (ABP Ref. PL 29N.238436). I consider that the Board's Direction and Order in that case did not specifically object to the construction of a dwelling on the site, but rather that the proposed dormer design and its proximity to the site boundaries would result in overlooking of adjoining properties, and that its form and bulk would be visually obtrusive. For the reasons previously outlined in this report, I consider that the current design is a significant improvement on the previous proposal, and that it satisfactorily addresses the concerns in relation to overlooking, form and bulk. Accordingly, I consider that a grant of permission is justified in this case, particularly having regard to the renewed focus in local/national policy regarding compact development and the planning history of the surrounding area since the previous refusal.

### Wildlife

7.6.2 The appeal site is located within a built-up urban area and is not within a designated area for nature conservation. And while the site does contain significant vegetation, it is clear from the existing and proposed site plans that the vast majority would be retained as part of the proposed development. Accordingly, I do not consider that the proposed development would have any significant adverse impacts on wildlife habitats or species.

### Drawings

7.6.3 I have considered the concerns about the clarity and accuracy of the drawings and images submitted, including level details within the site and on adjoining lands. However, having visually inspected the site and surrounding lands (without the benefit of a detailed survey), I do not consider that there are significant variations in levels. In my assessment I have accounted for the unlikely worst-case scenario wherein the appeal site would be significantly higher (1m) than adjoining properties.

Even so, I do not consider that the proposal would seriously detract from the visual or residential amenities of the area. Accordingly, I am satisfied that the file details contain adequate information to enable the Board to determine this case.

## **8.0 Appropriate Assessment**

Having regard to the nature and scale of the proposed development, comprising the construction a dwelling within a built-up and serviced urban area, and the separation distance (c. 200 metres) and presence of intervening development between the nearest Natura 2000 sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on a European site. Accordingly, the submission of a Natura Impact Statement is not required.

## **9.0 Recommendation**

Having regard to the above, I recommend that permission be granted, subject to conditions, based on the following reasons and considerations.

## **10.0 Reasons and Considerations**

Having regard to the pattern and character of development in the area, the design and scale of the proposed development, and the provisions of the Dublin City Council Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of surrounding properties, and would not endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 interests of clarity.

2. The proposed first-floor bathroom window on the north elevation shall be permanently fitted with opaque glazing.

**Reason:** In the interest of protecting residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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 amenities of property in the vicinity.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

9. Prior to commencement of development and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In order to provide a satisfactory standard of development.

10. The existing perimeter boundary wall and adjoining vegetation shall be retained and protected from during construction in accordance with the 'Proposed Site Plan' (Drawing No. (P)001) submitted to the planning authority.

**Reason:** In order to protect visual and residential amenity.

11. Prior to the commencement of development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, pursuant to Section 47 of the Planning and Development Act 2000, as amended, that allows the provision of shared access over the proposed access road to facilitate the potential future development of adjoining lands.

**Reason:** In the interest of orderly development.

12. 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

the 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.

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Stephen Ward  
Senior Planning Inspector

22<sup>nd</sup> February 2022