



An
Bord
Pleanála

inspector's Report ABP-311906-21

Development	House
Location	Beside 7 Lorcan Crescent, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3363/21
Applicants	Willow Park Contracting Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Willow Park Contracting Ltd.
Observers	Suzanne and Michael Egan Denis and Petrina Doyle
Date of Site Inspection	21 st January 2022
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is in a suburban area c. 5km north of Dublin's city centre. It has a stated area of 464m². It occupies a corner plot in a late 20th century estate comprised of two-storey semi-detached houses. The street to its north is called Lorcan Crescent and that to its east is called Lorcan Grove. A detached two-storey house is under construction on the northern part of the site facing Lorcan Crescent. The stated floor of that house is 109m².

2.0 Proposed Development

- 2.1. It is proposed to build a detached two-storey house on the southern part of the site facing Lorcan Grove. The house would have a stated floor area of 95m² and a roof ridge height of 7.62m.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for one reason which stated that the proposed house would have inadequate private open space and rooms sizes, that it would overbear and overshadow the gardens behind the houses at 7 and 7a Lorcan Crescent to the north, and that the design would not be sufficiently in keeping with the character of adjacent housing. It would therefore seriously injure the amenities of property in the vicinity and would be contrary to the Z1 zoning objective that applies to the area.

3.2. Planning Authority Reports

3.3. Planning Reports

The recently built house on the site is not particularly obtrusive and does not require screening from Lorcan Grove the south even though it is c3m forward of the building line there. The development would leave the houses 7 and 7a Lorcan Crescent with back gardens of an adequate overall size, but the gardens would be short and the proposed house would unduly overshadow and overbear the rear of those

properties. Bedroom 1 in the proposed house is only 12m² in area and 2.7m wide compared to the standard of 13m² and 2.8m required for double bedrooms under the document 'Quality Housing for Sustainable Communities' issued by the minister in 2007, while only 3.4m² storage space is provided compared to the standard of 4m². The back garden behind the house is only 4-5.5m deep and is unlikely to enjoy reasonable sunlight. The impact of the proposed house on parking and traffic would be no different to that of other nearby houses. A refusal was recommended.

3.3.1. Other Technical Reports

Transportation Section recommended that the width of the proposed access should be reduced to 3m. The Drainage Division stated that it had no objection subject to standard conditions. .

3.4. **Third Party submissions**

Four submissions were received which objected to the development on grounds similar to those raised in the subsequent observations on the appeal, but they also objected to the impact of the development on traffic safety and parking.

4.0 **Planning History**

Reg. Ref. 3666/17 – In November 2017 the planning authority granted permission for a house on the site facing Lorcan Crescent.

5.0 **Development Plan**

5.1. **Dublin City Development Plan 2016-2022** –The site is zoned for residential use under objective Z1. Policy QH1 of the plan says that the council will have regard to the standards for house set out in the document 'Quality Housing for Sustainable Communities' issued by the minister in 2007. Section 16.10.2 says that at a minimum 10m² of private open space per bedspace should be provided for houses, with 60-70m² being generally sufficient for houses in the city.

5.2. **Natural Heritage Designations**

None

6.0 The Appeal

6.1. Grounds of Appeal

- Revised plans are submitted to demonstrate that the house would comply with the requirements for room dimensions and storage set out in the 2007 guidelines on quality housing.
- The proposed house would have 40m² in its back garden which complies with the standard of 10m² per bedspace set out in the development plan. The garden would be of a useable shape and would receive adequate sunlight, as shown by the submitted shadow diagram.
- The limited height and hipped roof profile would mitigate the overshadowing of the houses to the north. It would have no impact on sunlight to the properties at Nos 7 and 7a from March to September. A shadow study is submitted to demonstrate this. The applicant does not consider that the proposed house would unduly overbear the neighbouring houses to the north.
- The proposed house would be similar in form, scale and design to the existing houses in the area. It should not be regarded as out of keeping with the character of the area. There are several other examples of new houses permitted in the area that have altered its appearance to some extent.

6.2. Observations

- 6.2.1. The observation from Petrina and Denis Doyle says that they live at 5 Lorcan Crescent to the west of the site. They object to the proposed house as it would overlook and overshadow their property. The shadow analysis in the appeal did not refer to the observers' property.
- 6.2.2. The observation from Suzanne and Michael Egan says that they live at 24 Lorcan Grove immediately to the south of the site. They object to the proposed house as it would be overdevelopment of the site and would be out of keeping with the character of the street, projecting forward of the building line along Lorcan Grove. It would also overlook the gardens at 3, 5 and 7 Lorcan Crescent and overshadow the garden behind 7a.

6.3. Planning Authority Response

None received.

7.0 Assessment

- 7.1. The proposed house would not be seriously out of keeping with the established architectural character of the area. It would be a two-storey house of similar form and design to the other houses around it. Its L-shaped floorplan and projecting front gable would provide a suitable transition from the building line along Lorcan Grove to the south to that of the side wall of the new house to the north. As such it would improve the treatment of the corner between the Grove and Lorcan Crescent. The development would therefore make a positive contribution to the streetscape and the public aspect of the neighbourhood. The proposed house would provide adequate internal accommodation for its occupants in line with the 2007 housing guidelines cited in the city development plan. The conclusions of the council on these issues are not accepted. The proposed development would also be acceptable with regard to parking, access and road safety and with respect to water supply and drainage.
- 7.2. Nevertheless I would share the council's concerns about the impact of the development on the private spaces behind the building lines. The proposed house would truncate the gardens behind 7 and 7a Lorcan Crescent leaving them with a depth of 8.4m and 5.25m respectively, while it would stand within 1.3m of the new boundary with those gardens. While the revised roof structure shown on the drawings submitted with the appeal would mitigate the loss of direct sunlight to the neighbouring gardens, as illustrated on accompanying shadow diagrams, it is still considered that the impact on the outlook from those gardens would have a significant negative impact on the amenity that they would provide to the occupants of those houses. Furthermore the proposed house would have windows at first floor level facing the side boundary of the garden behind No. 5 Lorcan Crescent at a separation distance of c5m. Although those windows would not directly face the back of the house at No 5, they would have a significant negative effect on the privacy provided by a garden of relatively modest size and thus on the amenity that it would provide to the occupants of the house. The back garden behind the proposed

house would also be quite shallow and would provide only a limited standard of amenity for the people living in that house.

- 7.3. The proposed development would not result in any house lacking any useable private open space. In a different urban context, its impact on the private amenities of various residential properties might be justified by a compelling planning reason to provide additional housing. However the current site is a relatively small plot in a suburban housing estate where an additional house has already been built. The negative impacts that the proposed development would have on the private spaces here render it contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

- 8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

The proposed development would substantially reduce the amount of private open space available to the rear of the houses at Nos 7 and 7a Lorcan Crescent and would injure the outlook available from the remaining gardens there. The proposed house would overlook the private open space behind No 5 Lorcan Crescent and diminish its privacy. The garden to the rear of the proposed house would be restricted in size and depth and would provide a limited level of amenity for the occupants of that house. The proposed development would therefore seriously injure the residential amenities of property on and in the vicinity of the site and would be contrary to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan

Planning Inspector

23rd January 2022