



An
Bord
Pleanála

Inspector's Report

ABP-312220-21

Development	Construction of dwelling accessed from Clogher Green all other associated site works
Location	266, Clogher Road, Crumlin, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1625/21
Applicant(s)	Michael Finnegan and Olga Ramos
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Colm Treacy, Declan Forde, Derek Fallon, Freddy Murphy, Raymond Grogan, Robert Kenny, Teresa Carroll, and Michael and Bernadette Lee
Observer(s)	None
Date of Site Inspection	28 th June 2022
Inspector	Susan Clarke

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1.0 Site Location and Description

- 1.1. The site is located to the rear of No. 266 Clogher Road, Crumlin, Dublin 12 and has a stated area of 160 sq m. It is located approximately 4.5km southwest of the Dublin city centre, in a mature, low density suburban area. The housing in the area generally comprises two storey semi-detached and terraces dwellings. Mount Jerome cemetery and crematorium are located to the south east of the site, while Eamonn Ceannt Park is located to the south west of the site.
- 1.2. No. 266 is an end of terrace, which fronts onto Clogher Road to the north and Clogher Green/Rutland Grove to the south. There are two, two storey semi-detached dwellings to the west of the site (Nos. 1 and 2 Clogher Green), which would formerly have been the rear gardens of No. 262 and 264. There is a small, detached garden shed located immediately northeast of the proposed dwelling, in the rear garden of No. 268. A terrace of two storey dwellings partially bounds the site to the south on Rutland Grove. At present, the site forms part of the rear garden of No. 266 and as a small, detached shed.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached to this Report.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached, three storey, 2-bedroom dwelling, measuring 105 sq m. The dwelling consists of a ground floor living and kitchen area, two bedrooms at first floor level with a rear terrace setback from the southern and eastern boundaries, and office and storage accommodation with a dormer window at second floor level. Pedestrian access to the subject site will be via a cul-de-sac on Clogher Green. The 2.2m wide entrance is adjacent to the vehicular entrance to No. 133 Rutland Grove. No car parking is proposed as part of the development.
- 2.2. Following a Request for Further Information, the Applicant confirmed that the dwelling will be served by 89 sq m private amenity space to the side and rear of the building. The proposed first floor terrace was removed and as a result the size of Bedroom 1 increased from 12 sqm to 15.5 sq m at RFI stage. Furthermore, obscure glazing and

a high cill level were proposed on the eastern gable at second floor level to prevent overlooking of the adjoining rear garden. In addition, the proposed front dormer window was relocated to the rear. As a result of the amendments made at RFI stage, the total gross floor area of the dwelling increased from 105 sq m to 114 sq m.

2.3. As part of the First-Party Response to Third Party Appeal, the Applicant references the attachment of “revised ABP design proposal”. However, whilst the revised design proposals are briefly referenced in the text and images (not scaled), no drawings are included with the Response. Notwithstanding this, the key amendments proposed to the Board appear to be as follows:

- Removal of both evergreen trees and lowering of the timber fence line to match the 1900mm existing block wall along the mutual boundary with No. 2 Clogher Green.
- Setback of the ground floor level from the western boundary of the site by 700mm.
- Partial setback of the ground floor level from the eastern boundary of the site. It is proposed that the dwelling will only directly abut 6025mm of the mutual boundary with No. 268 Clogher Road, as opposed to originally directly abutting 10285mm of the boundary.
- Installation of a swing gate for pedestrian and cyclist use at the rear of the site, fronting onto Rutland Grove.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Local Authority issued a Notification of Decision to Grant Permission for the proposed development on 18th November 2021, subject to 10 No. standard conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning Officer stated that the principle of the proposed development was acceptable having regard to the site’s land use zoning (Z1), but raised concerns in

relation to the front dormer window, the rear first floor terrace and the second floor window on the eastern gable. On receipt of a Response to Further Information, the Planning Officer stated that *the proposed development makes good use of the land through increasing the density of an accessible city site. There are no anticipated impacts on the residential amenities of surrounding properties and the development is considered to be in keeping with the character of the local area and the existing long-established development of the site.* The Planning Officer's report reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Drainage Division: No objection, subject to condition.

Roads and Traffic Planning: Whilst initially recommending that permission be refused as no in-curtilage car parking is proposed, and such there were concerns in relation to overspill car parking, following the submission of a car parking survey at RFI stage, the Department stated it had no objection to the proposal, subject to condition.

3.2.3. Prescribed Bodies

Irish Water: Request that the Applicant liaise with Irish Water and confirm agreement on proposals.

3.3. Third Party Observations

A number of Third-Party Observations were submitted to the Local Authority in respect of the proposed development. The key points raised can be summarised as follows:

- Question the need for the proposed development
- Three storey design not in keeping with the character of the area
- Overlooking and loss of privacy to adjoining neighbours
- Loss of daylight
- Traffic safety issues, no car parking proposed, and no requirement for 2.2m wide gate
- Potential noise and disturbance impacts

- Additional strain on drainage and water supply systems
- Drawing errors
- Failure to comply with required separation distance to sewers
- No construction management plan
- Light pollution
- Felling of a mature tree

4.0 Planning History

Subject Site

No records of previous applications relating to the site were identified.

No. 266 Clogher Road

DCC Reg. Ref. WEB1388/20: Dublin City Council granted permission in March 2021 for the construction of a single storey 8 sq m extension to the front and partially to the side of house, consisting of a new entrance porch and room extension, including ancillary works to existing street boundary wall, to form new pier and entrance gate.

Site to the rear of Nos. 404, 406, 408, 410, Clogher Road, Crumlin, Dublin 12

DCC Reg. Ref. 4485/19; ABP Ref. 306597: Planning permission granted in June 2020 for the construction two detached dwellings.

Nos. 1 and 2 Clogher Green/ Rear of Nos. 262 and 264 Clogher Road, Dublin 12

DCC Reg. Ref. 3930/00; ABP Ref. 127120: Planning permission granted in July 2002 for 2 no. semi-detached 2 storey dwellings with entrances to Rutland Grove and associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Council Development Plan 2016-2022. The site is zoned Z1 with a stated objective '*to protect, provide and improve residential amenities*'.

Chapter 05 – Quality Housing, is noted with particular reference to Policy QH1: having regard to National Guidance on sustainable residential development, Policy QH6: to encourage the creation of attractive mixed use neighbours consisting of a variety of housing types and Policy QH7: promote residential development having regard to the need for high standards of urban design and architecture that ensures integration with the character of the area.

Chapter 16 – Development Standards: Design, Layout, Mix of Uses and Sustainable Design provides extensive guidance on residential development.

Section 16.10.18 outlines the policy for Backland Development: The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for backland development will be considered on their own merits.

Section 16.10.9 outlines the policy for Corner/Side Garden Sites: The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large sites.

The Planning Authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites.

- Character of the Street
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.

- The provision of appropriate car parking facilities and a safe means of access and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- Maintenance of the front and side buildings lines where appropriate.

Standards for Residential Accommodation are addressed in Section 16.10 and includes minimum room sizes, private amenity space and standards regarding light, ventilation and noise.

Applicable to the proposed development are the following:

- Indicative plot ratio for Z1 zones is 0.5 to 2.0.
- Indicative site coverage for the Z1 zone is 45-60%.

5.2. Natural Heritage Designations

None.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the development, comprising of a single dwelling in an urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination.

6.0 The Appeal

A joined Third-Party Appeal to An Bord Pleanála was submitted on 15th December 2021 opposing the Local Authority's decision from the following parties:

- Colm Treacy, 131 Rutland Grove, Crumlin, Dublin 12,
- Declan Forde, 2 Clogher Green, Crumlin, Dublin 12,
- Derek Fallon, 33 Rutland Green, Crumlin, Dublin 12,
- Freddy Murphy, 132 Rutland Green, Crumlin, Dublin 12,
- Raymond Grogan, 75 Rutland Grove, Crumlin, Dublin 12,

- Robert Kenny, 1 Clogher Green, Crumlin, Dublin 12,
- Teresa Carroll, 133 Rutland Grove, Crumlin, Dublin 12,
- Michael and Bernadette Lee, 268 Clogher Road, Dublin 12.

The grounds of appeal can be summarised as follows:

- There is a concern that the development will result in overspill parking and off-street parking as there is no parking proposed on-site.
- The proposed development will facilitate the parking of cars on-street creating a hazardous environment and will exacerbate problematic ill-legal on-street parking.
- There will be a significant loss of residential amenity to the homes surrounding the subject site due to the overbearing and dominant nature of the proposed dwelling and overshadowing impacts.
- The development does not positively integrate into the area. As the plots are long and narrow, additional dwellings into the area cannot properly respect the existing privacy or amenity of the dwellings which are already in place.
- The proposed development would result in significant to profound overshadowing and loss of daylight impact in respect to morning and evening sun. No daylight/overshadowing assessment has been undertaken.
- The development would be visually obtrusive to neighbouring properties.
- The development would be situated right up against the rear boundary wall to the west of No. 268 Clogher Road, which is considered to be unacceptable as it would seriously overbear on the rear amenity space.
- Due to the proposed dwelling's impact on overshadowing, access to daylight, overbearing nature and visual impact resulting in a loss of residential amenity, the character and setting of this area will become less attractive to potential buyers in the future. The amenity and accordingly the value of the property would be seriously impacted upon by the proposed development.
- No construction management plan has been submitted with the application and such there is concern regarding the structural integrity of the surrounding property.

- The development is within 0.5m of an Irish Water foul sewer, notwithstanding that Irish Water require a separation distance of 3.5m to such infrastructure.
- The proposed entrance will conflict with the needs of the residents of No. 133 Rutland Grove.
- Precedent example Ref. WEB1660/19 is highlighted as a similar case study to the proposed development, which was refused permission by the Local Authority.
- A Technical Note (TN01 – Traffic and Transport Considerations) is submitted with the Third-Party Appeal, which concludes that *“the traffic and transport aspects (and implications of) the proposed development have not been adequately assessed and will lead to increase conflict, which will create an unacceptable road safety hazard and therefore this development should not be permitted.”*

6.1. Applicant Response

The Applicant submitted a Response to the Third-Party Appeal to the Board on 24th January 2022. The Response includes a number of proposed revisions to the scheme for consideration by the Board, including:

- Removal of both evergreen trees and lowering of the timber fence line to match the 1900mm existing block wall along the mutual boundary with No. 2 Clogher Green.
- Setback of the ground floor level from the western boundary of the site by 700mm.
- Partial setback of the ground floor level from the eastern boundary of the site. It is proposed that the dwelling will only directly abut 6025mm of the mutual boundary with No. 268 Clogher Road, as opposed to originally directly abutting 10285mm of the boundary.
- Installing of a swing gate for pedestrian and cyclist use at the rear of the site, fronting onto Rutland Grove.

The Response also includes a Mobility Management Plan.

The key points from the Response can be summarised as follows:

- Nos. 1 & 2 Clogher Green are built in the former rear gardens of Nos. 262 and 264 Clogher Road.
- Precedent exists for the proposed development at No. 412 Clogher Road (Ref. 306597).
- The schedule submitted (as Additional Information) and the attached revised ABP design proposal shows compliance with or exceeds internal living accommodation's best practice guidelines.
- The site is located in a sustainable area. The proposal makes better use of serviced lands and reflects the pattern of development in the area and would not seriously injure the amenity of adjoining residential property by reason of overlooking or overshadowing, and the proposal aligns with the proper planning and sustainable development of the area.
- The proposed development is consistent with national and regional planning policy.
- Parking at weekends in the area is very time specific and generally relates to activities in Eamonn Ceannt Park. Parking surveys show a lack of cars in the area during the early morning and at night. If residents of the subject site had the need to park, they would park their car overnight in a legitimate location prior to the weekend morning influx and not contribute to hazardous parking to the detriment of residents in the area or illegal on-street parking.
- The Appellant has not submitted any analysis to show how the proposed development would reduce the property values in the vicinity.
- The subject site and dwelling are following the established local pattern of accepted development in the area.
- The images included in the Appellant's Appeal give an overall false impression of the subject building in its location. There is a discrepancy of approx. 580mm on the Ordnance Survey map.
- The Local Authority did not request any daylight assessment and the BRE Guidelines state that such an assessment is not mandatory. At least half of the

new rear garden will receive at least two hours of sunlight on March 21st or the centre of the rear garden would receive at least two hours of sunlight on the same date. The extent of shadows cast by the new development is minimal due to the proposed removal of both evergreen trees and lowering the timber fence line down to the existing 1900mm block party wall. There is minimal difference in sunlight from the new dwelling but there is not enough to meet the criterion of serious injury to the residential amenity of the adjoining property in a manner as to require refusal of permission.

- The proposed development provides a form of contemporary aesthetic which would make a positive contribution in this location.
- The revised design submitted to ABP minimises any feeling of enclosure at ground level. As the ground floor area of the shared boundary wall with No. 268 has been reduced from 10285mm to 6025mm.
- The issue of structural integrity will be evaluated by the design team PSDP who will oversee the coordination of the design work. This will be lead by a structural engineer.
- Discussions are ongoing with Irish Water regarding the proposed development.
- There is ample room to park two cars adjacent to the rear boundary of No. 266.
- The Appellant's precedent example (WEB1660/19) is not relevant to the subject case as the orientation of the site is different.
- The second traffic survey dispels the myth of overspill and shows that *overspill on pavements* in the vicinity of the site was only observed at 131 Rutland Grove and this has been shown to the case for over 10 years.
- The proposed development will have minimal impact in the immediate area.
- The submitted MMP shows that the site could be car free zone due to the sustainability of the area.
- To address the perceived issue of a safe means of mainly egress from the site which does not "result in the creation of a traffic hazard", an entry/egress private transition zone will be created and setback between the site and boundary with a hazard tactile ground finish, swing gate, with connected strobe light and blind

spot mirror before exiting onto a public pavement pedestrian crossing zone. A high-duty cycle pedestrian gate with dual stop signs will help make pedestrians more aware that they are about to enter or exit a pedestrian crossing zone.

- A second option proposed by the Applicant includes the removal of the shared boundary wall between Rutland Green and the subject site, however this is considered to be outside the Board's remit.
- The Response includes a Mobility Management Plan (Section 2.3.2) to encourage people to walk, cycle, use public transport, car club or reduce the number of trips by car.

6.2. Planning Authority Response

No response received.

6.3. Observations

None.

6.4. Further Responses

The Appellant submitted a Further Response to the First-Party Response to the Board on 17th February 2022. The key points can be summarised as follows:

- The area is a densely developed and populated area.
- The proposed development differs materially from the development of the properties at Nos. 1 and 2 Clogher Green.
- A construction management plan has not been submitted.
- The proposed development is not in keeping with the nature of previously approved developments and represents an erratic feature in the development of Lower Crumlin.
- The proposed development places additional pressure on sewerage and water mains and does not take account of the 3m wayleave.

- The development will overbear and contribute to a loss of natural daylight particularly Nos. 133 Rutland Grove and 268 Clogher Road.
- The permitted development at No. 412 Clogher Road is materially different to the proposed development.
- The impact of the proposed development on the concept of the 15 minute city has been overstated.
- The proposal will have a negative impact on car parking for Nos. 132 and 133 Rutland Grove and Nos. 1 and 2 Clogher Green. It is inevitable that the driveway of No. 133 Rutland Grove will be impacted and encroached upon.
- The proposed development will negatively impact on 133 Rutland Grove, 268 Clogher Road and Nos. 1 and 2 Clogher Green in terms of the number of hours and extent of daylight to a greater extent than suggested.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the planning application and Third-Party Appeal, First Party Response to Third Party Appeal, the Appellant's Further Response and inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

1. Principle of Development
2. Architectural Design
3. Impact on Residential Amenity
4. Traffic/Access/Car Parking
5. Drainage
6. Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Principle of Development

- 7.1.1. The proposal entails the construction of a dwelling on a site zoned Z1 with a stated objective '*to protect, provide and improve residential amenities*'. The provision of

residential development is consistent with the zoning objective of the site and established uses on adjoining sites. Having regard to the pattern of development in the area, particularly the development of Nos. 1 and 2 Clogher Green, I do not consider the proposal would constitute undesirable piecemeal backland development and be detrimental to the amenities of adjoining residential properties or the character of the area. Regard is had to these issues in the Assessment below.

7.2. Architectural Design

- 7.2.1. The proposed development involves the construction of a three storey, 2-bedroom (4 person) dwelling measuring 114 sq m to the rear of No. 266 Clogher Road. As outlined above, the applicable CDP plot ratio and site coverage standards for the site are 0.5 to 2.0 and 45%-60%, respectively. The development will result in a plot ratio of 0.71 and site coverage of 35%¹. As such in terms of quantitative development management standards, the proposed development would not be considered as overdevelopment.
- 7.2.2. The dwelling has a ridge level of 9.545m and is consistent with the neighbouring two storey dwellings in the immediate area. The proposal includes a dormer window to the rear (northern elevation) at second floor level, and a vent grille and PV panels on the southern elevation at roof level. The proposed ground floor is setback approximately 12.5m from the rear ground floor elevation of No. 266 Clogher Road. In the RFI scheme assessed by the Local Authority, the majority of the ground floor level directly abuts the eastern boundary of the site, with the exception of the living room, which is setback one metre from the eastern boundary and a minimum of 2.065m from the western boundary. However, as outlined above, in the revised scheme submitted to the Board, the dwelling will only directly abut 6025mm of the mutual boundary with No. 268 Clogher Road, as opposed to originally directly abutting 10285mm of the boundary. Furthermore, the revised scheme proposes to setback the western elevation by 700mm. Whilst I acknowledge the Applicant's attempts to address concerns raised in respect to overbearing impacts, I do not consider the revised amendments necessary. This is due firstly to the site's location in a suburban area, and the pattern of development in the area, and secondly, in my view there are no significant overbearing impacts on the neighbouring sites resulting from the proposed development. The ground floor level directly abuts the southern boundary. I note that

¹ Based on floor schedule submitted as part of the RFI (Dwg. No. PI-00-01, Rev. A).

No. 133 Rutland Grove is located immediately southeast, as opposed to directly adjacent, to the proposed dwelling. In summary, I do not consider the proposed development's scale and design would have significantly negative overbearing impacts on the adjoining sites. The proposed development will be constructed with a render finish and as such it will be in keeping with the character of the area and not cause any adverse visual impacts.

7.2.3. The proposed dwelling has a conventional layout and is consistent with the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (2007);

- Required Minimum Overall Floor Area = 80 sq m/ Proposed Floor Area = 114 sqm
- Required Main Living Area = 13 sq m/ Proposed Living Area = 18 sq m
- Required Aggregate Living Area = 30 sq m/ Proposed Aggregate Area = 40 sq m
- Required Aggregate Bedroom Area 25 sq m/ Proposed Aggregate Bedroom Area = 31.3 sq m (including ensuite)²

The proposed development includes 89 sq m of open space located to the side and rear of the side and rear of the dwelling. As such, I am satisfied that the proposed development would provide residents with an acceptable standard of accommodation.

7.2.4. In terms of the overall scale and architectural treatment of development, I do not consider the proposal excessive for the site or surrounding area. The site is not located in close proximity to Protected Structures. Furthermore, the area is not an Architectural Conservation Area. I am satisfied that the overall visual impact of the proposed development in the area is satisfactory. As such, I do not consider that the proposal will impact property values in the area.

7.3. Impact on Residential Amenity

7.3.1. The Appellant raises concerns in relation to the impact the proposed development would have on the residential amenity of the area in particular with regards to overbearing and overlooking impacts, loss of daylight and overshadowing, and noise

² Figures referenced from the RFI Scheme submitted to the Local Authority (Dwg Nos. PI-00-01, Rev. A and PI-00-02, Rev. A).

and disturbance. Having regard to the foregoing Section, I do not consider that the proposed development, due to its scale and design, will have overbearing impacts on the surrounding dwellings.

Overlooking

- 7.3.2. In relation to overlooking, as outlined above, obscure glazing and a high cill level were proposed on the eastern gable at second floor level to prevent overlooking of the adjoining rear garden in the RFI scheme. The revised proposal submitted to the Board includes one window serving the stairway along the eastern elevation at ground floor level. However, due to the existing mutual boundary treatment between the subject site and No. 268 Clogher Road, no overlooking will occur.
- 7.3.3. While a window is proposed at Ground Floor Level along the northern elevation to serve the living room, it is not clear what the boundary treatment will be between No. 266 Clogher Road and the subject site, to prevent overlooking. However, this matter could be dealt with by way of condition with the Local Authority prior to the commencement of the development. There are no windows proposed on the northern elevation at first floor level. The dormer window on the rear elevation is setback approximately 20m to the rear elevation of the first floor extension to No. 266 and as such, in my view is unlikely to significantly overlook this property.
- 7.3.4. In terms of the western elevation, all the windows are set back from the boundary with No. 2 Clogher Green, which itself is setback approximately one metre from the mutual boundary. As outlined above, the revised proposal submitted to the Board includes setting back the western elevation from the mutual boundary with No. 2 Clogher Road by a further 700mm. All the ground floor windows on the western elevation of the proposed dwelling directly face No. 2 Clogher Green, with the exception of the window serving the living room, which is located north of the neighbouring dwelling. However, this window has a high cill and as such no directly overlooking of the neighbouring property will occur. The two windows (serving the landing area and Bedroom 2) at first floor level along the western elevation are setback approx. 2.3m from the boundary wall. Should the Board be minded to grant permission for the development, it may consider attaching a condition to the Order requiring that these two windows are constructed with obscure glazing. Alternatively, the corner window serving Bedroom 2, could be omitted and replaced with a larger window along the southern elevation.

However, due to the orientation of this window and the lack of directly opposing windows at this location on No. 2 Clogher Green, I do not consider that overlooking will be significant. There is a small window serving Bedroom 2 on the southern elevation at first floor level. This window is setback from the boundary by c. 2m and will overlook Rutland Grove. In summary, I am satisfied that the proposed development will not result in significant overlooking or loss of privacy of neighbouring properties and as such will not negatively impact the residential amenity of the area in this regard.

Daylight Loss and Overshadowing

7.3.5. The grounds of appeal express concern that having regard to the scale of the proposal it will restrict daylight penetration to neighbouring properties, and will result in significant overshadowing. The proposed dwelling is located east of Nos. 1 and 2 Clogher Green. Having regard to the orientation of No. 2 Clogher Green and the subject site, to the pathway of the sun, the separation distances between the properties and the existence of the boundary fence and mature trees separating No. 2 Clogher Road and the subject site, I am satisfied that no undue loss of light or overshadowing would occur to the neighbouring property. Similarly, the subject dwelling would be northeast of No. 133 Rutland Grove and as such would result in minimal overshadowing. The proposal will result in overshadowing of the rear gardens at various times throughout the day of No. 268, however having regard to the length of this garden, I consider no undue loss of light or overshadowing would occur to the neighbouring property that would adversely impact its residential amenity. Furthermore, having regard to the height and scale of the proposed dwelling and the separation distance between the subject site and No. 266, I do not consider the overshadowing effects will adversely impact the amenity of the property.

7.3.6. Due to the scale and orientation of the proposed development, I am satisfied that it will not alter the quantum of daylight to such a significant degree that would adversely affect amenities enjoyed by the occupants of neighbouring dwellings.

Noise and Disturbance

7.3.7. Having regard to the nature of the proposed development and the omission of the first floor terrace, I do not foresee any reason why the development would cause nuisance or disturbance that would reduce the area's residential amenity in comparison to any

other of the neighbouring dwellings. Whilst noise levels in the area would increase during the construction of the proposed development, due to the temporary nature of the impacts, I do not consider that they will adversely impact the residential amenity of the area.

Conclusion

7.3.8. In conclusion, I do not consider that the proposed architectural design will negatively impact the area's architectural character or amenities. I consider that the proposed development would result in no undue overbearing impacts, overshadowing or loss of privacy on the neighbouring properties or adversely impact the area's residential or visual amenities.

7.4. Traffic/Access/Car Parking

7.4.1. The proposed development does not include any car parking provision. Having regard to the site's suburban location and proximity to public transport, I consider this to be acceptable. I note from my site visit that there are no parking control measures in the immediate area. Whilst I do not dismiss the Appellants local knowledge and experience of the parking congestion in the area, particularly at weekends, having regard to the scale of the development (i.e. a one 2-bedroom dwelling), I consider that the proposal would result in a marginal increase in traffic movements and demand for car parking in the area. Furthermore, I highlight that the Roads and Traffic Planning division had no objection to the proposed development.

7.4.2. In respect to the Applicant's proposal in the First-Party Response to the Third-Party Appeal regarding the installation of a swing gate, I do not consider this necessary, having regard to the nature and size of the development. The access/egress point opens onto the public footpath. While the footpath may be used by the residents of No. 133 for parking, I note that there is space for parking within the curtilage of their home. Furthermore, I do not consider that such a proposal would be visual pleasing or in keeping with the character of the area.

7.4.3. In summary, I do not consider that the proposed development represents a traffic hazard nor will it generate significant increases in traffic volumes or parking demand in the area.

7.5. Drainage

- 7.5.1. I note the Applicant's concerns in relation to the impact the proposed development could have on the area's drainage system. However, having regard to the scale of the development, I do not consider it will result in a significant increase of pressure on the system. I note also that the Drainage Division raised no concerns in relation to the proposed development. In respect to the sewer pipe located along the western boundary of the site, the proposed development does not appear to encroach on the wayleave (Dwg. No. PI-00-01). Furthermore, whilst Irish Water has requested the Applicant to liaise with the utility body, it did not object to the proposed development. I consider the drainage proposal to be acceptable subject to the attachment of condition requiring the Applicant to liaise with Irish Water prior to the commencement of the development.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1.1. I recommend that planning permission be granted, subject to the conditions outlined below.

9.0 Reasons and Considerations

Having regard to the residential land use zoning of the site, the design, nature and scale of the proposed development, the existing pattern of development in the area, and the provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts and would be satisfactory in the context of traffic safety and convenience. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 22nd October 2021 to the Local Authority, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
3.	<p>The access/egress point to the site shall not exceed 1.5m in width and shall not have outward opening gates.</p> <p>Reason: in the interest of traffic safety.</p>
4.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p>

	Reason: In the interest of orderly development.
6.	The Applicant shall submit details of the site's boundary treatment for written agreement with the Local Authority prior to the commencement of the development. Reason: In the interest of residential amenity.
7.	The naming and numbering of the dwelling shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling. Reason: In the interest of orderly street numbering.
8.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, tree protection measures, noise management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.
9.	Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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 residential amenities of property in the vicinity.
10.	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

	<p>commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Susan Clarke
Planning Inspector

29 June 2022