



An
Bord
Pleanála

Inspector's Report

ABP-312562-22

Development	Change previously approved house (ABP-307815-20 and WEB1182/20) from single to two storey dwelling
Location	Rear of no. 45, Belgrove Road, Clontarf, Dublin, D03RR62
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3822/21
Applicant(s)	Colm & May Gallagher
Type of Application	Planning Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Linda and Michael Norton Derek Beatty
Observer(s)	Clare and Gerry Roebuck
Date of Site Inspection	8 th August 2021
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site is located at the rear of No. 45 Belgrove Road, Clontarf and has a stated area 332 sq m. Belgrove Road is located in the eastern environs of Clontarf Village and runs in a north-south direction linking Kincora Road to the north with Clontarf Road and Dublin Bay to the south. The houses fronting onto Belgrove Road comprise of a row of terraced red brick Edwardian-style houses.
- 1.2. No. 45 is an end of terrace, on the east side of the road and backs onto the northern end of a laneway running to the rear which connects both to Belgrove Road to the south of the site and also to Vernon Avenue further east just north of Clontarf Village. The site which forms part of the private rear garden of No. 45 is overgrown and has double doors facing onto the northern end of the laneway.
- 1.3. All dwellings fronting onto Belgrove Road incorporate narrow but long back gardens. The gardens are in excess of 40 metres in length and approximately 7 metres in width. The rear garden associated with No. 45 extends even further to the rear of dwellings fronting onto Kincora Road to the north. A number of sheds and garages are located in the rear gardens of the dwellings backing onto the mews lane. Vernon Mews or Vernon Square Development was developed adjacent to the mews lane.

2.0 Proposed Development

The proposed development consists of:

- Amendments to ABP-307815-20 to provide for an additional storey (i.e. first floor) to the permitted (1-bed) single storey detached dwelling,
- Internal alterations to the permitted dwelling, and
- Construction of a detached garage (17.58 sq m).

The proposed development will result in an increase in the dwelling's gross floor area by 52.33 sq m, from 60.2 sq m to 112.95 sq m.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Grant Permission on 12th January 2022, subject to 14 No. conditions. Condition No. 2 states:

The proposed development shall be amended as follows:

a) The windows at ground floor level to the north elevation shall be permanently fitted with opaque glazing.

b) The ope at first floor level on the east elevation serving the bathroom shall be amended so as to be no wider or larger than the bathroom window at ground floor level on the north elevation and it shall be permanently fitted with obscure glazed windows and shall be top-hung opening only.

c) Appropriate boundary treatments shall be demonstrated between the proposed dwelling and parent dwelling and the adjoining sites with a height of between 1.8m to 2m.

d) The proposed garage structure shall have a maximum overall height of 3.5m. Prior to the commencement of development, revised drawings and specifications taking into account the above amendments and details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interest of visual and residential amenity of the area and to prevent overlooking of adjoining gardens.

Condition No. 3 requires that the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under An Bord Pleanála appeal reference number ABP-307815-20.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is consistent with the decision of the Planning Authority.

The Planning Officer considered that the proposed development in terms of the site's and neighbouring sites' planning history, and policy context and zoning objective afforded to the site under the Dublin City Development Plan, 2016-2022, and stated:

- Principle of the development is acceptable.
- Considered to be generally in keeping with the scale, height, and plot width of recently permitted mews dwellings to the rear of Belgrove Road with the existing building line maintained.
- Compliant with the Quality Housing for Sustainable Communities 2007
- Sufficient open space for both the existing house and the proposed development.
- No concerns in relation to future access to sunlight for neighbouring properties.
- No overbearing impacts, excessive overlooking, overshadowing or impact on residential amenity.
- Proposed garage is acceptable subject to a reduction in height.

3.2.2. Other Technical Reports

Drainage Division: No objection, subject to condition.

3.3. **Prescribed Bodies**

Irish Water: No response received.

3.4. **Third Party Observations**

Four Third-Party Observations were submitted to the Local Authority opposing the proposed development. The key points can be summarised as follows:

- Overbearing.
- Overlooking.
- Loss of amenity to adjoining properties.
- Loss of privacy.
- Inflexible design, unable to cater for changes in the long-term.

- Little consideration given to the design standards of the existing houses in informing the design or layout of the proposed dwelling.
- Inconsistent with land use zoning objective.
- No daylight/overshadowing assessment completed.
- Visually obstructive design.
- Proposal does not address previous reasons for refusal relating to the site.
- Devaluation of property.
- Establish an undesirable precedent.
- Designers overlooked problems presented by the new curved roof form and screening.
- Overdevelopment of site.
- Disruption during construction.

4.0 Planning History

Subject Site

4.1.1. DCC Reg. Ref. WEB1147/21; ABP Ref 310139

Dublin City Council granted planning permission for a first floor extension to provide two bedrooms, bathroom and service area and the construction of one garage to previously approved (ABP-307815-20) single storey house and associated site. However, the Local Authority's decision was overturned by the Board in August 2021 and permission was refused on the grounds that the proposal would have an overbearing impact on adjoining properties, the fenestration would not provide a satisfactory level of amenity for future residents, and would result in a loss of privacy and overlooking for neighbouring residents.

4.1.2. DCC Reg. Ref. WEB1182/20; ABP Ref 307815

Dublin City Council refused planning permission for a single storey house to the rear of No. 45 Belgrove Road on the grounds that of the substandard nature of the lane serving the site and that the applicant had not demonstrated that he had legal entitlement to access the laneway. However, the Local Authority's decision was

overturned by the Board in January 2021 and permission was granted for the proposal subject to 12 No. conditions.

4.1.3. DCC Reg. Ref. 2528/19; ABP Ref. 305178

Dublin City Council granted planning permission for a detached dwelling to the rear of the subject site, however the decision was overturned by the Board in November 2019 on foot of a third-party appeal and refused permission for two reasons relating to access and impact on adjoining amenities through overlooking.

4.1.4. DCC Reg. Ref. 3635/18

Dublin City Council refused planning permission in September 2018 for one detached single-storey single bedroom house as ancillary accommodation to main house all to rear and provision of off-street parking driveway to front on the grounds that the proposal would have an overbearing impact on adjoining properties, would adversely affect privacy, and the proposal was not compliant the key qualifying criteria for 'Ancillary Family Accommodation', as per 16.10.14 of the Dublin City Development Plan 2016-2022.

4.1.5. DCC Reg. Ref. 2378/17; ABP Ref. 248552

Dublin City Council refused planning permission for a house with separate garage to the rear of No. 45 Belgrove Road on the grounds that the laneway serving the development was substandard. The decision was the subject of a First Party appeal. The Board upheld the decision and refused permission in December 2017 on the basis of the substandard laneway serving the development and added an additional reason on the basis that the proposal would be overbearing and would adversely impact on adjoining residential amenity.

No. 23 Belgrove Road

4.1.6. DCC Reg. Ref. 2261/20; ABP Ref. 307612

Dublin City Council refused permission for a mews development to the rear of No. 25, however this was overturned by the Board in October 2020 and granted permission subject to 12 No. conditions. One of the conditions required that the proposed mews dwelling shall not be occupied until the works permitted to the laneway under PL29 N 242866 are completed.

No. 25 Belgrove Road

4.1.7. DCC Reg. Ref. 2769/20; ABP 307837

Dublin City Council refused permission for the construction of two storey, flat roofed contemporary-style mews dwelling to the rear of No. 23, however this was overturned by the Board in January 2021 and granted permission subject to 11 No. conditions.

No. 17 Belgrove Road

4.1.8. DCC Reg. Ref. 4009/17; ABP Ref. 301905

Dublin City Council refused permission for a mews development to the rear of No. 17, however this was overturned by the Board in November 2018 and permission was granted subject to 11 No. conditions. Condition No. 3 required that the proposed dwelling shall not be occupied until the works permitted to the laneway under PL29N.242866 are completed.

5.0 Policy Context

5.1. National & Regional Policy / 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. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking
- NPO 35 encourages increased residential density through a range of measures, including site-based regeneration and increased height.

5.2. Dublin City Development Plan 2016 – 2022

The subject site is governed by the zoning objective Z1 the objective of which is "to protect, provide and improve residential amenities".

Chapter 5 of the development plan relates to housing.

Policy QH1 seeks to have regard to national guidelines in relation to residential development.

Policy QH8 seeks to promote the sustainable development and vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Policy QH21 seeks to ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards set out for residential development.

Policy QH22 seeks to ensure that new housing developments close to existing houses has regard to the character and scale of existing houses unless there are strong design reasons for doing otherwise.

Section 16.10.8 relates to backland development.

Section 16.10.16 relates to mews developments.

Indicative plot ratios for the Z1 zoning objective range from 0.5 to 2.0. Indicative site coverage for the Z1 zoning objective ranges from 45 to 60%.

5.3. Natural Heritage Designations

The appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site.

5.4. EIA Screening

Having regard to the modest nature and scale of the proposed development and its location within a serviced urban removed from any sensitive locations or features 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 and a screening determination is not required.

6.0 The Appeal

6.1. Two third-party appeals have been lodged to the Board opposing the Local Authority's decision by Linda Norton and Michael Norton (94 Kincora Road), and Derek Beatty (No. 96 Kincora Road), respectively. The grounds of appeal are summarised below.

6.1.1. Linda Norton and Michael Norton

- The application proposes little differences to the applications that were previously proposed on the site.
- Adjoining homeowners are entitled to privacy.
- Significant overlooking of the neighbouring properties will result.
- The cylinder style roof is not suited to the Edwardian suburban village.
- Concerns that the first floor flat roofed area would be utilised. No monitoring measure to control the use of this space. Should the area be used, it would result in significant overlooking.
- The louvre style panels on the western elevation are unsightly.
- The proposal will lead to overlooking, loss of privacy and be of an overbearing nature and so would seriously injure the residential amenity of the area.
- The proposal sets a dangerous precedent for similar type development and submission of repeat applications on sites until permission is received.
- Proposal could result in trespassing and damage to the neighbouring wall.

6.1.2. Derek Beatty

- The proposal contravenes the site's zoning objectives as it will result in a loss of residential amenity.
- The dwelling would extend to the northern and southern boundary wall which would result in overlooking of private open space enjoyed by adjoining dwellings which would detract from the character of the area as a whole.
- The proposed extension is excessive and overbearing.

- The development is dominant, visually obtrusive and will adversely impact privacy and amenity of adjoining owners. The extension would be an over scaled, bulky, and intrusive mass.
- The proposal is on a shared boundary with adjacent sites directly north and south of the site.
- No daylight/overshadowing assessment undertaken.
- Natural light will be lost in the rear garden of No. 43 Belgrove Road and Nos. 90, 92, 94, 96, 98A Kincora Road.
- The proposal is very intense on a narrow site to the rear of established dwellings.
- The proposal is contrary to Section 5.9(i) of the Guidelines for Planning Authorities for Sustainable residential Development in Urban Areas 2009 with respect to development recognising and protecting residential amenity.
- The proposal disregards the site's planning history. The minimal reduction in height in comparison to that proposed under Reg. Ref. 2528/19 does not efficiently address the overbearingness of the development.
- The proposal will devalue neighbouring properties.
- Examples of backland development that have been refused by the Local Authority are outlined for comparison purposes with the proposed development; WEB1660/19, 2516/18, 4107/17, 3967/07, 2260/01, 1504/01, 1507/01.

6.2. Applicant Response

The Applicant responded to the Third-Party Appeals on 10th February 2022 and 4th March 2022, respectively.

6.2.1. Linda Norton and Michael Norton

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

- All observations concerning previous designs have been noted and given careful consideration throughout the design process.

- All sites, such as the subject site, to remain underused is neither reasonable nor practical.
- The planning reports and inspector reports in relation to the previous applications for the site are misrepresented by the Appellants.
- The proposal successfully safeguards all adjoining residents' amenities to the fullest extent possible while being carefully designed for full compliance with existing standards.
- The impact of the proposal is less than other similar developments to the rear of Belgrove Road. Images are included for reference purposes.

6.2.2. Derek Beatty

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

- No evidence or reasoned argument that the proposal will give rise to potential common issues with backland development.
- Impact on privacy and amenity is grossly overstated and has been mitigated through design.
- The proposal has a sustainable lifelong design.
- The proposal is setback from the site's boundaries, does not overlook adjoining gardens, and is lower in height and more modest in size compared with neighbouring recently built infill properties.
- The width of the structure remains the same as that previously approved. The structure measures approx. 5.7m in width and 16.7m in length.
- Sufficient open space for the proposed dwelling and the existing dwelling.
- No concerns raised in relation to future access to sunlight for neighbouring properties.
- 22m is maintained from the rear elevation between opposing windows at first floor level. There is a distance of approx. 18m from the eastern boundary of the site with no direct opposing windows in this direction. No excessive overlooking of the parent dwelling or other dwellings in the area.
- Legal rights in respect to natural light remain unaffected.

- Section 5.9(i) of the Guidelines for Planning Authorities for Sustainable residential Development in Urban Areas 2009 is misinterpreted.
- Whilst unusual in design, the proposed curved roof does overcome potential concerns in terms of perceived overlooking that the previously approved application presented. Bespoke design for one-off mews can be acceptable as they are generally not in view of the primary public realm.
- The garage is subordinate to main dwelling and will have no overbearing impacts.
- The principle of a dwelling and off-street car parking on the site has been established.
- No evidence to suggest that the proposal will devalue neighbouring property.
- Question the relevance of many of the Appellant's examples of backland development that are argued to be similar to the proposed development.

6.3. Planning Authority Response

No response received.

6.4. Observation

Clare and Gerry Roebuck (No. 43 Belgrove Road) submitted an Observation to the Board on 17th February 2022 in respect of the Third-Party Appeals. The key points raised can be summarised as follows:

- The two storey element will have a detrimental impact on the enjoyment of the rear garden of No 43.
- The application fails to address previous concerns.
- Given the serial nature of the planning applications, it is unsurprising that there are inconsistencies in DCC's and ABP responses.
- The application is for a two-storey house, not an extension. ABP have refused permission twice for a two-storey dwelling on the site.

- ABP did not previously consider louvres/fins or other obviation treatments were sufficient to deal with the inappropriate two storey dwelling for the site.
- The proposal does nothing to mitigate against the overbearing impact on adjoining properties in fact its form and use of materials may exacerbate the issue.
- Given the lack of information in relation to materials including roof materials, solar panels and boundary treatments it is impossible to assess the current scheme's impact on No. 43.
- A massing study is enclosed with the Observation which demonstrates the detrimental impact the proposal will have.
- The proposed overhang significantly increases the overall massing of the building and impact on neighbours.
- No information provided on the roof material.
- The solar panels will result in a bulky incongruous roof profile further compounding the overbearing nature of the proposal.
- The proposed layout for the first floor is 5m longer than needed.
- The large bathroom window which is openable will cause overlooking.
- The fins exacerbate the overbearing impacts.
- The target gross area for a 2bed, two storey dwelling is 80 sq m. The proposal (2-bed, two storey) (112 sq m) is excessive by comparison.
- No significant mitigation measures proposed.

6.5. Further Responses

A Further Response was received by the Board from Linda and Michael Norton on 15th March 2022.

The key points can be summarised as follows:

- The Appellant did not misrepresent the Applicant in the Third-Party Appeal by quoting from the latter's 2019 cover letter. An extract from the cover letter is included as Appendix A to the Further Response.

- The Applicant does not highlight that the reason developments permitted in the rear gardens of Nos. 17, 23 and 25 Belgrove Road are acceptable is because the of the separation distances between the rear return of No. 43 and the proposed dwelling was 12m, overlooking, and overbearing impacts (as quoted in the Inspector's Report in 2021).
- The proposal will result in profound overlooking.
- The "unusual in design" reference by DCC, should not be taken as a compliment.
- DCC did not assess the application objectively and were bias towards the Applicant. The Local Authority, whilst stating that the proposal is not visible in the public realm, did not mention how the proposal would affect other properties in direct view of it.
- The Appellant has a clear flawed interpretation of the previous inspector's report (Ref. 31019).
- The Applicant has not counterargued that the proposal looks like a military barracks and is known as a 'Quonset Hut' originally designed for the US Navy in the 1940s. The design is not appropriate in an Edwardian suburb and allows practically no natural daylight.
- Local residents would have to monitor the flat roof to ensure it is not used. If the area was accessed it would lead to unprecedented overlooking.
- The Applicant has a selective and disingenuous counter argument to the Third-Party Appeal.
- The louvres are unsightly and resemble a prison cell.
- There is no material difference between this application and the previous refusals relating to the site.
- A site notice from 2017 is still erected on the site to the front of No. 45.
- The statutory notices do not accurately describe the proposed development.
- The proposal will lead to overlooking, loss of privacy and will be overbearing.

- The permitted single storey dwelling is considered a compromise between no development and a two storey development.
- An Architect's Opinion on Compliance with Planning Permission and/or Exemption from Planning Control in relation to No. 43 Belgrove Road are included with the Further Response.

7.0 **Assessment**

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

- Principle of the Development
- Impact on Adjoining Properties
- Standard of Accommodation
- Other Matters
- Appropriate Assessment

Each of these issues is addressed in turn below.

7.2. **Principle of Development**

7.2.1. The subject site is located within zoning objective Z1, the objective for which is '*to protect, provide and improve residential amenities*'. The provision of residential development is considered acceptable in principle within the zoning objective for the area. Furthermore, precedent for residential development on the site has been established under ABP Ref 307815. In addition, the proposal also fully accords with Policy QH8 which seeks to promote the sustainable development and vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

7.3. Impact on Adjoining Properties

Overbearing Impacts

- 7.3.1. As highlighted by the Third Parties and Observer, the site has an extensive and complex planning history. One of the primary concerns expressed by neighbouring residents relates to the scale and massing of the proposed development and its potential overbearing impacts. In order to assess this matter in light of the site's planning history and of neighbouring permitted developments, an analysis of the size and scale of the two previous applications relating to the site and the three permitted mews developments on Belgrove Road (Nos. 17, 23 and 25) in the context of the proposed development is outlined below (Table 1). For ease of reference I have included the applicable drawings from these developments as Appendix A attached to this Report. I also refer the Board to the Applicant's images/diagrams that were included as part of the First-Party Response (dated 10th February 2022) to Linda Norton and Michael Norton Third-Party Appeal. I have not included the backland developments referenced in Derek Beatty's Appeal, as in my view they are not directly relevant to the subject case having regard to their geographical location and site contexts, and differences in national and local policy in comparison to the subject case. Table 1 highlights that the proposal's bulk, massing and scale is consistent with the permitted developments at Nos. 17, 23 and 25 Belgrove Road.
- 7.3.2. 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 0.39 (dwelling 112.95 sq m + garage 17.85 sq m / 332 sq m) and a site coverage of 23.63% (dwelling 60.62 sq m + garage 17.85 sq m / 332 sq m). The above analysis demonstrates that in terms of quantitative development management standards, the proposed development would not be considered as overdevelopment.
- 7.3.3. The proposed dwelling is setback 24m from the first floor rear elevation of No. 45 Belgrove Road and will have a rear garden depth of approx. 10m. Having regard to these setback distances, I am satisfied that the proposal will not be overbearing on the existing dwelling. In terms of No. 43 Belgrove Road, the proposed dwelling will be setback c. 11.8m diagonally from the neighbouring ground floor extension, which includes patio doors on its southern elevation. Having regard to the height (6.159m) and the length (14.89m) of the proposed dwelling, I do not consider that it will have

significantly overbearing impacts on the neighbouring property over and above what would be expected in a serviced urban area in close proximity to public transport. For example, the impacts are no greater than those from the permitted developments at Nos. 17, 23 and 25 Belgrove Road.

7.3.4. Unlike the permitted neighbouring developments, the proposal is setback, albeit marginally, from the northern and southern boundaries. Having regard to the scale of the proposed development and the length of the rear gardens of the dwellings fronting Kincora Road, I do not consider that the proposal is excessive nor will it have significant overbearing impacts on these dwellings. Having regard to the scale of the proposed garage, it will not have overbearing impacts on No. 98A Kincora Road.

7.3.5. In summary, I am satisfied that the proposal will not result in excessive overbearing impacts on neighbouring properties and that the proposed development is consistent with local and national policies to support compact development on underutilised sites. Accordingly, I have no objection to the development in terms of its scale, design and massing, subject to further assessment as outlined in the following sections.

	Subject Application	Subject Site	Subject Site	23 Belgrove Road	25 Belgrove Road	17 Belgrove Road
Reg. Ref.	3822/21; ABP Ref 312562	WEB1147/21 ; ABP Ref 310139	WEB1182/20 ; ABP Ref 307815	2261/20; ABP Ref. 307612	2769/20; ABP 307837	4009/17; ABP Ref. 301905
ABP Determination	TBC	Refused	Grant	Grant	Grant	Grant
Site Area	332 sq m	332 sq m	332 sq m	158.6 sq m	175.2 sq m	129 sq m

Proposed Total Floor Area	112.95 sq m	108.64	60.62 sq m	148.3 sq m	151.1 sq m	134 sq m
Site Width	7.3m	7.3m	7.3m	7m	6m	6.7m
Site Length	44m	44m	44m	22.8m	26m	27.88m
Overall Height	6.159m	7.271m	4.882m	6.45m	6.6m	7.99m
Proposed Dwelling Length Ground Floor	14.89m	14.89m	14.89m	13.1m	15m	15.2m
Proposed Dwelling Length First Floor	12.43m northern elevation 14.89m southern elevation	14.89m	N/A	12.95m	15m	15.2
Proposed Dwelling Width Ground Floor	4.86m	c. 4.86m	c. 4.86m	6.8m	5.6m	6m
Proposed Dwelling Width First Floor	4.5m	c. 4.86m max	N/A	6.8m	5.6m	6m

Visual Impact

- 7.3.6. Concerns have been raised in relation to the design of the proposed development. Whilst I acknowledge that the proposed design is unusual in comparison to the surrounding properties, I do not consider that it will have negative visual impacts on the area. I highlight that the area is not an architectural conservation area nor are there any nearby Protected Structures. In my view, the proposal will create visual interest and variety, which is frequently found with mews developments. While design is a subjective matter, I do not consider that the proposal will adversely impact on the neighbouring properties or surrounding area. Should the Board be minded to grant permission for the proposal, the material details could be agreed with the Local Authority via condition prior to the commencement of the development.

Overlooking

- 7.3.7. There are no windows proposed on the northern elevation at first floor level and as such no overlooking will occur in this direction. As per Condition No. 2 attached to the Local Authority's Notification of Decision to Grant Permission subject to the two windows at ground floor level serving the kitchen and bathroom being constructed with opaque glazing no overlooking will occur at this level, should a similar condition be attached to the Board's Order, in the event permission is granted for the development. Having regard to the separation distances between the proposed development and No. 45 and No. 47 and subject to the erection of a boundary treatment of 1.8m to 2m in height, I do not consider that undue overlooking would occur that would adversely impact the residential amenity of the properties. Similarly, the proposed development will not cause significant overlooking of No 43 Belgrove Road, largely due to the fin/louvre structure. Whilst some overlooking of the rear first floor elevation of No. 43 may occur, it would be modest and to no greater a degree than this property itself overlooks neighbouring rear gardens. I recommend that access to the first floor roof shall only be permitted for necessary maintenance purposes. Having regard to the above, and subject to appropriate conditions, I do not consider that the proposed development would seriously detract from the privacy of surrounding properties by reason of overlooking or otherwise.

Overshadowing

- 7.3.8. Having regard to the orientation of the site, the pathway of the sun, and the existing and proposed separation distances between the site and neighbouring properties, I am satisfied that no undue loss of light or overshadowing would occur that would adversely impact the area's residential amenity. Furthermore, I am satisfied that the proposed development will not alter the quantum of daylight to such a significant degree that would adversely affect amenities enjoyed by the occupants of neighbouring dwellings.

Construction Impacts

- 7.3.9. The temporary disturbance impacts associated with any urban construction project are generally common and unavoidable. I consider that any such temporary impacts would be acceptable and can be satisfactorily mitigated through the agreement of a construction management plan in accordance with standard practice. The hours of

construction attached to Condition No. 11 of Ref. 307815 are standard and appropriate for the subject development and its location.

7.3.10. Property Values

I note the concerns raised in this case in respect of the devaluation of neighbouring property. However, having regard to the assessment outlined above, I am satisfied that the proposed development would not seriously injure the amenities of properties to such an extent that it would have any adverse effect on the value of property in the vicinity of the site.

Conclusion on Adjoining Properties

7.3.11. In conclusion, I consider that having regard to the proposed design and separation distance between neighbouring properties no undue overlooking or overbearing impacts will arise. The proposal is consistent with local and national policies to support compact development. Furthermore, the proposal aligns with Section 5.9(i) (Infill Development) of the Guidelines for Planning Authorities for Sustainable residential Development in Urban Areas 2009 for *“a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill”*. Having regard to the foregoing, I am satisfied that, subject to conditions, the proposed development can be satisfactorily accommodated at this location and would not seriously detract from the amenities of surrounding properties.

7.4. **Standard of Accommodation**

7.4.1. The proposed development will provide for one additional bedroom, greater quantum of living space and a larger bathroom. In terms of the standard of accommodation that the dwelling could provide, the house has a conventional layout with kitchen/lounge/dining, bathroom, and a double bedroom at Ground Floor Level and a second bathroom, plantroom and double bedroom at first floor level. It is compliant with the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). I am satisfied that the dwelling allows for sufficient design flexibility in the future and thus is sustainable in this regard. Having regard to the dual aspect nature of the design, I consider that it will receive adequate levels of daylight. The dwelling has 98.78 sq m private open space, the majority of which is west facing and located to the rear of the house, and as such will

provide future occupants with an acceptable level of amenity. In summary, I am satisfied that the proposed dwelling would provide future residents with an acceptable standard of accommodation.

7.5. Other Matters

7.5.1. Unauthorised Development

Matters raised in relation to potential unauthorised development or otherwise on neighbouring sites are not relevant to the subject case and should not be considered by the Board.

7.5.2. Statutory Notices

Concerns were raised in relation to the description of the proposed development in the statutory notices and erection of the site notices on the subject site. I highlight that the Local Authority validated the planning application. I am satisfied that there is sufficient information in respect of the proposed development for the purposes of the planning application and decision.

7.5.3. Access Arrangements

I highlight that access to the subject site was permitted under ABP Ref 307815 and as such, is not a key consideration in the assessment of this application.

7.6. Appropriate Assessment

Having regard to the minor nature of the proposed development and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1.1. Having regard to the residential land use zoning of the site, the nature, scale and design of the proposed development, the pattern of development in the area, and the policies and provisions contained in the National Planning Framework Plan and 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. 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, 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>The proposed development shall be amended as follows: a) The windows at ground floor level to the north elevation shall be permanently fitted with opaque glazing. c) Appropriate boundary treatments shall be demonstrated between the proposed dwelling and parent dwelling and the adjoining sites with a height of between 1.8m to 2m.</p> <p>Prior to the commencement of development, revised drawings and specifications taking into account the above amendments and details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.</p> <p>Reason: In the interest of visual and residential amenity of the area and to prevent overlooking of adjoining gardens</p>

3.	<p>Access to the first floor roof shall only be permitted for necessary maintenance of the roof or windows. For the avoidance of doubt, the first floor roof shall not be used for amenity purposes without a separate grant of permission.</p> <p>Reason: In the interest of visual and residential amenity of the area.</p>
4.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under An Bord Pleanála appeal reference number ABP-307815-20 (DCC planning register reference number WEB1182/20).</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 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 subject to the prior written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.</p>
6.	<p>The garage shall not be put to commercial use, and its use shall be only incidental to the enjoyment of the principal dwelling on site. It shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interests of the proper planning and development of the area.</p>
7.	<p>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, management measures for noise, dust and dirt, and construction traffic management proposals.</p>

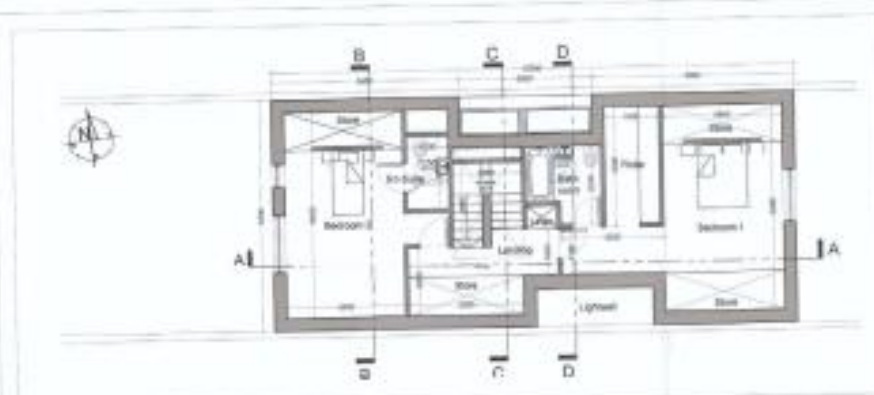
	Reason: In the interest of public safety and residential amenity.
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided 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.</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>

Susan Clarke
Planning Inspector

9th August 2022

Appendix A: Permitted Mews Developments to the rear of Belgrove Road

- 1. No. 17 Belgrove Road, Drawing title: *Proposed: Floor Plans; Elevations; Sections and Site Plan*, Dwg. No. 2017-103-FI-100**
- 2. No. 23 Belgrove Road, Drawing title: *Response to Request for Further Information*, Dwg. No. 2019-66-FI-100**
- 3. No. 25 Belgrove Road, Drawing title: *Planning Applications Drawings*, Dwg. No. 2020-14-P-100**



Proposed First Floor Plan scale 1:100



Cross Section B-B scale 1:100



Proposed Ground Floor Plan scale 1:100



Cross Section C-C scale 1:100



Longitudinal Section A-A 1:100



Cross Section D-D scale 1:100



Proposed North Elevation scale 1:100



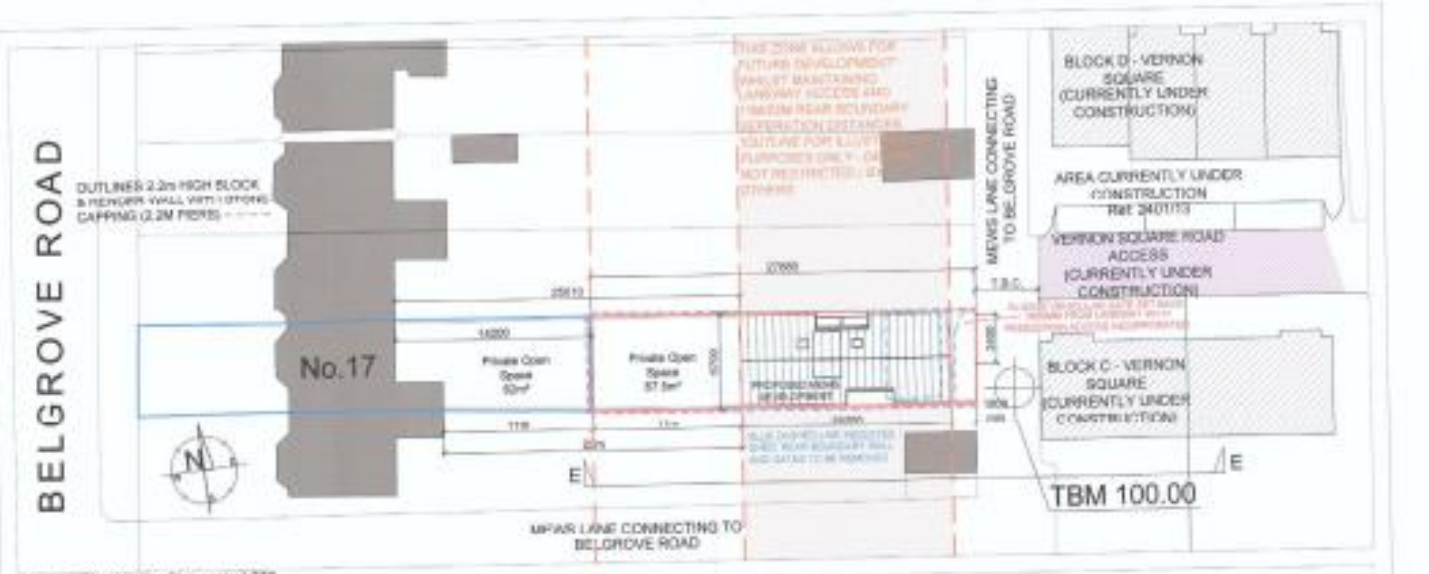
Proposed East Elevation scale 1:100



Proposed South Elevation scale 1:100



Proposed West Elevation scale 1:100



Site Plan/Location Plan scale 1:250



Existing East (Laneway) Contextual Elevation scale 1:100



Proposed East (Laneway) Contextual Elevation scale 1:100



Proposed South Contextual Section E-E scale 1:100 (neighbours shed & boundary wall omitted for clarity)

FURTHER INFORMATION
REG. REF. 4009/17

Further Information		REV	J.T.	28.04.18
REV	DESCRIPTION	ISSUED	DATE	
01	Issue for Information			
<p>TYLER OWENS ARCHITECTS</p> <p>The Mark House Dunlany Loft Design Studio Dunlany Road, Dublin 2 E-mail: info@tylerowens.ie Tel: +353 (0) 1 224 4000</p>				
PROJECT	Proposed Development to rear of 17 Belgrave Road, Clontarf, Dublin 2			
ISSUES	Proposed Floor Plans, Elevations, Sections, and Site Plan			
AS SHOWN @ A1	SCALE:	2017-103-FI-100		
FOR FURTHER INFORMATION	CONTACT:	M.S.		



Proposed First Floor Plan - Scale 1:100



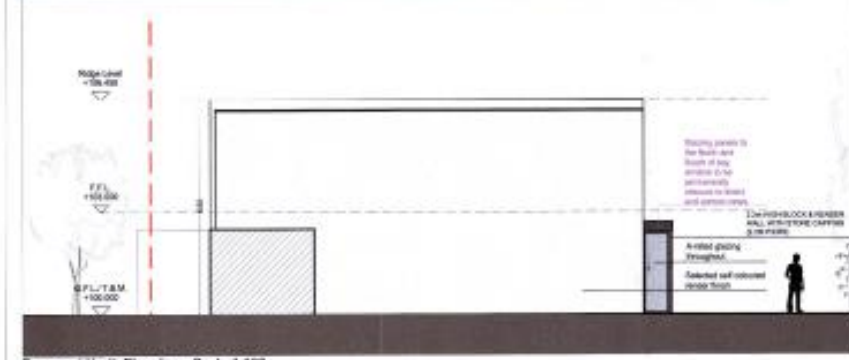
Proposed Ground Floor Plan - Scale 1:100



Proposed Section A - A - Scale 1:100



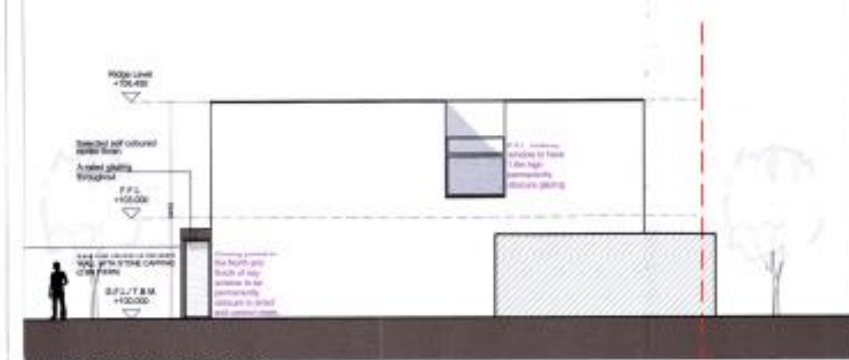
Proposed Section B - B - Scale 1:100



Proposed North Elevation - Scale 1:100



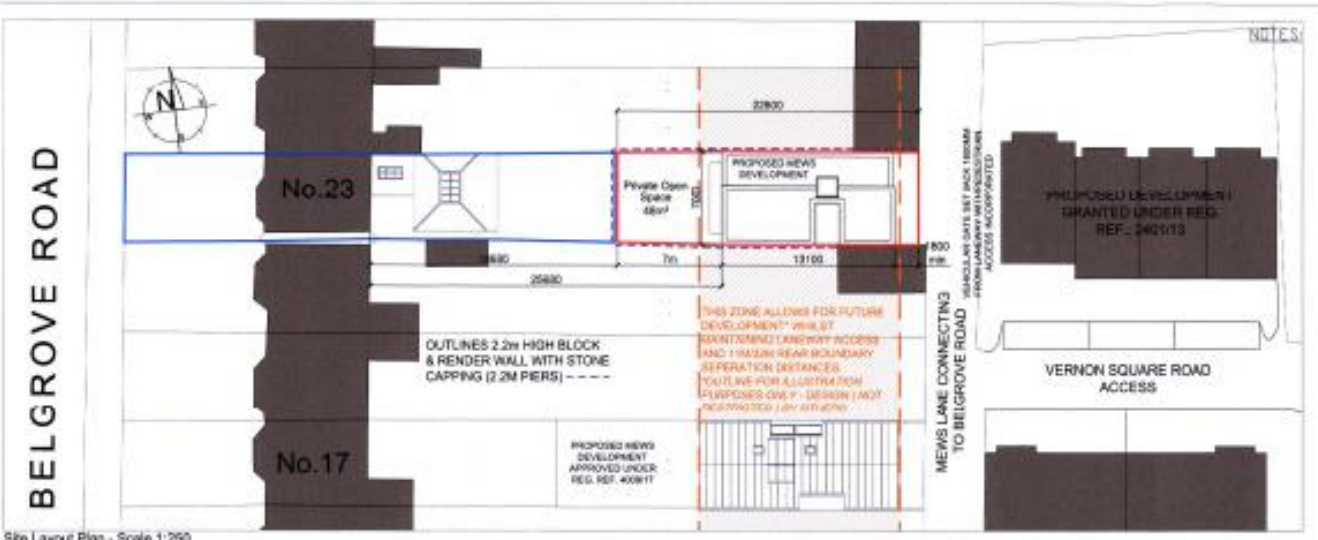
Proposed East Elevation - Scale 1:100



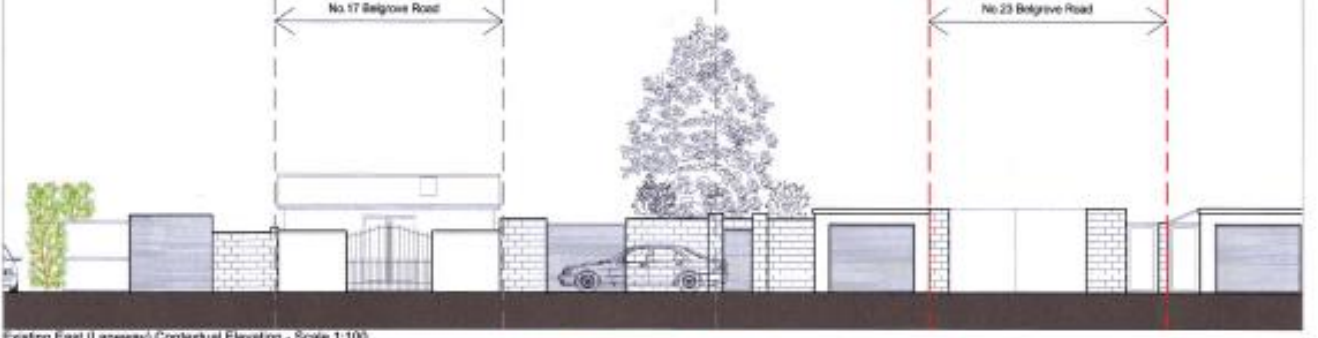
Proposed South Elevation - Scale 1:100



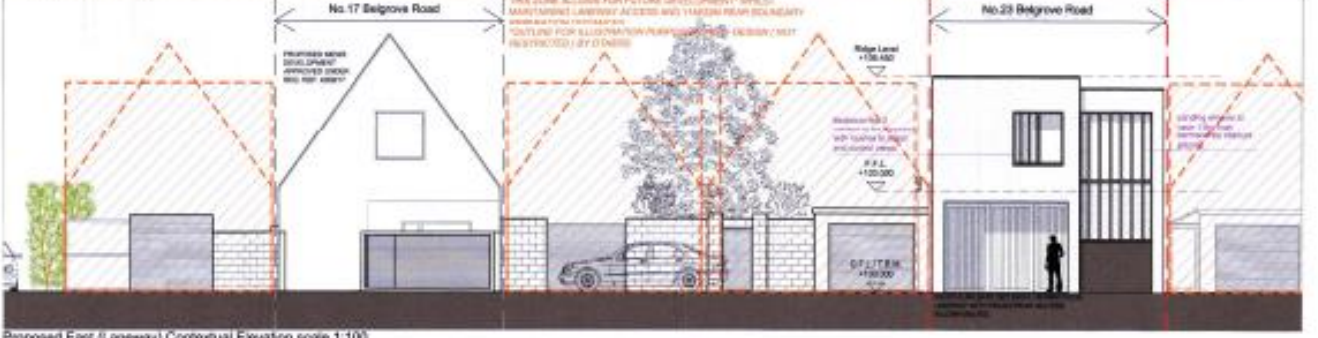
Proposed West Elevation - Scale 1:100



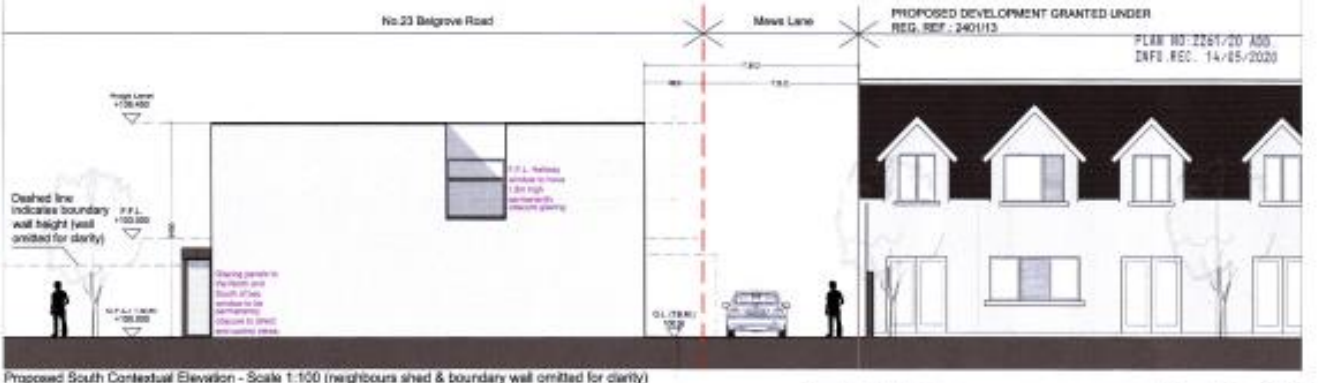
Site Layout Plan - Scale 1:250



Context East (Laneway) Contextual Elevation - Scale 1:100



Context East (Laneway) Contextual Elevation scale 1:100



Contextual Elevation - Scale 1:100 (neighbours shed & boundary wall omitted for clarity)

FURTHER INFORMATION
REG. REF.: 2261/20

REV	DESCRIPTION	DATE	BY	CHECKED	DATE
1	Further Information	11.08.20	J.T.	J.T.	11.08.20

TYLERIOWENS ARCHITECTS
The Rush House, Bective Road, Dublin 3
C-046 1047149100
Tel: +353 001 525 8050

Client: Mary and Noel Taylor
Project: Proposed Development to rear of 23 Belgrave Road, Clontarf, Dublin 3
Drawing: Response to Request for Further Information
As shown @ A1
Drawing No: 2019-66-FI-100
Scale: Further Information
Drawn by: J.T.

