



An
Bord
Pleanála

Inspector's Report ABP 312696-22

Development	2 no. houses and associated site works.
Location	Vacant site to the east of 1C Barry Avenue, Finglas, Dublin 11.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3855/21
Applicant	Catherine Somers
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellant	Catherine Somers
Observer(s)	None
Date of Site Inspection	02/04/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 225 sq.m., is located at the junction of Barry Avenue and Casement Road within a mature residential area in Finglas. The site is roughly rectangular in shape with a curved corner. It is level and grassed with a low metal fence delineating its roadside boundary. A block wall c. 1.8 – 2 metres in height delineates its rear boundary. The site backs onto the front garden of No. 383A Casement Road to the south.

The area is characterised by a mix of house types ranging from the original terraced and semi-detached dwellings with more recent detached, semi-detached and terraced dwellings constructed in side/corner garden sites. The dwelling immediately to the south (383A Casement Road) was built in the side garden of 383 Casement Road with the three immediately adjoining the site to the west, 1A to 1C Barry Avenue, built on a site using part of the side garden of 383 Casement Road and the side garden of 1 Barry Avenue. Nos. 385A and 385B Casement Road to the north were built in the side garden of No. 385.

Mellowes Park is to the east on the opposite side of Casement Road.

2.0 Proposed Development

Construct 2 no. 2 bedroom dwellings each with a stated floor area of 70.2 sq.m. to be served rear gardens of 42 sq.m. Vehicular access is to be from Barry Avenue. Dwelling No.1 is to have an active frontage with pedestrian access onto Casement Road.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development on the grounds that it would significantly infringe the established building line on Casement Road, would have unacceptable impacts on the visual and residential amenities of No. 383A Casement Road, on the streetscape and when viewed from Mellowes Park which forms part of the emerging preferred route for Luas Finglas. The proposal would be inconsistent

with section of 16.10.9 of the Dublin City Development Plan and would be contrary to the Z1 zoning objective.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is minimal difference between the current proposal and that refused permission under ref. 2456/21.
- There are concerns regarding overdevelopment and the proposal's impact on the streetscape due to the significant break of the building line as four houses have already been constructed as infill on this corner.
- The dwellings would follow the building line set by 1C Barry Avenue, set back 5.6 metres from the street edge. On Casement Road they would be set back 1 metre from the street edge and would project 11 metres further than 383A Casement Road. The visual impacts in terms of breaking this building line would be considerable, would be jarring with considerable negative impacts on the streetscape.
- The side elevation would be visible in long views from Mellows Park and would be visually prominent.
- The rear gardens are at the lower end of what is acceptable. Infill development at 1A – 1C Barry Avenue and 385 A-B Casement road were not completed in accordance with their permissions having regard to the provision of private open space. Such small rear gardens are not a positive planning precedent.
- The proposal would not have an undue impact on neighbouring property in terms of daylight or sunlight. It would have overbearing impacts on 383A Casement Road.

3.2.2. Other Technical Reports

Drainage Division has no objection subject to conditions.

Transportation Planning Division has no objection subject to conditions including reduction in the widths of the entrances to 2.5 metres.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None.

4.0 Planning History

The Area Planner's report details the planning history on adjoining sites.

2456/21 – permission refused for 2no. dwellings on the appeal site for the same reason as that cited in the current application.

5.0 Policy Context

5.1. National Planning Framework (NPF)

The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

National Policy Objective 3b seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.2. Development Plan

Dublin City Development Plan 2016-2022

The site is subject to land use zoning "Z1" (Sustainable Residential Neighbourhoods), the objective for which is "to protect, provide and improve residential amenities".

Chapter 5 sets out the housing policies. Those policies which are directly relevant to this appeal case are identified below.

Policy QH1: To have regard to the DEHLG Guidelines on '*Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*' (2007), '*Delivering Homes Sustaining Communities –*

Statement on Housing Policy (2007), *'Sustainable Urban Housing: Design Standards for New Apartments'* (2015) and *'Sustainable Residential Development in Urban Areas'* and the accompanying *'Urban Design Manual: A Best Practice Guide'* (2009).

Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QH21: To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

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

Chapter 16 - Development Standards

Section 16.101.9 Corner/Side Garden Sites:

Such development can make valuable additions to the residential building stock of an area and will generally be allowed on suitable larger sites. The Planning Authority will have regard to the following criteria in assessing such proposals:

- The 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 to and egress from the site;
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area;

- The maintenance of the front and side building lines, where appropriate.

Private Open Space: A minimum standard of 10 sq.m. of private open space per bedspace will normally be applied, with up to 60-70 sq.m. of rear garden area sufficient for houses in the city.

Car Parking: The site is in Area 3 of the city, within which a maximum standard of 1.5 car parking spaces applies.

5.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, comprising 2 dwellings in an established residential area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.4. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The submission by Stephen Molloy Architects on behalf of the applicant can be summarised as follows:

- The site is currently underutilised. The proposal will promote regeneration of the corner and will act as a book end in the streetscape.
- The 3 no. dwellings adjoining are in existence over 15 years.
- The building line argument is considered weak given the distance of the proposed dwellings from the neighbouring houses and the fact there are existing, stepped building lines on this corner. Houses 1A – 1C Barry Avenue step forward of 1 Barry Avenue. 385A & B Casement Road opposite the appeal site are forward of No. 385. There are extensive precedents for breaches in building line.

- The proposal has been designed with the corner house facing directly onto Casement Road rather than Barry Avenue. This is considered a positive design solution avoiding a blank gable wall facing onto the open space opposite. It integrates the houses into their surroundings and provides passive surveillance. The retention of existing wrought iron railings along the eastern boundary is proposed.
- The visual impact on 383A Casement Road is minimal. There is a large boundary wall to the front of 383A Casement Road/rear of the subject site which screens off the site.
- The floor level of the dwellings has been reduced to the same as the street level resulting in them being 950mm lower in height than the neighbouring dwellings.
- The houses comply with the required standards in terms of size, internal layout, amenity space, parking etc.
- The emerging preferred route for Luas Finglas strengthens the argument for developing the site with suitably sized and designed dwellings.

6.2. Planning Authority Response

None received.

6.3. Observations

None

7.0 Assessment

The site is within the mature residential area developed to the west of Casement Road characterised by a mix of semi-detached and terraced dwellings. It is zoned Z1 in the current City Development Plan, the objective for which is to protect and improve residential amenities. Section 16.10.9 of the development plan sets a generally favourable policy towards building houses on corner sites/side gardens such as that now proposed, subject to compliance with normal planning criteria

including the preservation of the privacy and amenities of adjacent residential properties.

2 no. two bedroom dwellings are proposed. Each meets the minimum requirements in terms of floor area and internal arrangements. Each are to be served by a 42 sq.m. rear garden which also meet the minimum requirements as set out in the city development plan of 10 sq.m. per bedspace (dwellings have 3 bedspaces).

The original estate layout resulted in a number of end of terrace dwellings benefitting from large side garden areas of which a number have been developed for residential purposes including 185A and 185B Casement Road immediately opposite and 38A Plunket Road to the north-west. The appeal site, itself, originally formed part of the side gardens associated with No.1 Barry Avenue and 383 Casement Road on which three terraced two storey dwellings have been constructed with a staggered building line forward of No.1 Barry Avenue. I also note that a detached, two storey dwelling has been constructed immediately to the south with frontage onto Casement Road.

I would concur with the agent for the applicant that the original building line along Barry Avenue has already been breached by the 3 no. dwellings immediately adjoining and that any development of the site would more appropriately be assessed against same. The 2 no. dwellings are to have a building line which is to match 1C immediately adjoining and are to be set back 5.6 metres from the street edge. They are to be setback 1 metre from Casement Road which bounds the site to the west and will project 11 metres forward of 383A Casement Road. I submit that this, of itself, is not fatal and is an arrangement replicated at other locations in the vicinity including those referenced above to the north. I also note comparable layouts along Casement Drive to the south. I note that the rear boundary which forms the side boundary to No.383A Casement Road is delineated by a 1.8 - 2 metre high boundary wall.

While the site is a prominent corner site, I consider that views of same are important when travelling in a southerly direction along Casement Road, only, due to the existence of the said boundary wall to its rear. On this basis I consider that the streetscape and building line along Barry Avenue takes precedence to which due regard should be had.

I consider that the house design to be acceptable and the orientation of No.1 onto Casement Road and Mellowes Park provides for an appropriate active treatment onto same.

With regard to the criteria set out in section 16.10.9 for corner/side garden sites I note the following:

- Both Barry Avenue and Casement Road are characterised by a mix of the house designs associated with the original estate development and later development on other corner sites.
- The house design and scale proposed is compatible with the dwellings developed immediately adjoining to the east with comparable width and depth. The dwellings are to respect the building line established by same. Whilst the building line of Casement Road will be breached views from same are restricted to those from the north due to the existing boundary wall to the side of No.383A.
- The dwellings would not adversely impact on the residential amenities of adjoining sites. The rear of the dwellings would overlook the front garden area of No.383 A to the south only. In view of their setback from the said front garden I do not consider that they would be overbearing.
- The private open spaces meet the development plan requirements.
- Each dwelling is to have a parking for 1 vehicle with access from Barry Avenue. I note the recommendations of the Transportation Planning Division to reduce the entrance widths to 2.5 metres. This can be addressed by way of condition.

On balance, I consider that the proposal would not be an incongruous insertion on the streetscape, would not detract from the visual amenities of the area and complies with the standards as set out in section 16.10.9 of the city development plan.

Appropriate Assessment

Having regard to the nature of the development comprising of 2 no. dwellings within a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as the proposed

development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the existing pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, and to the standards for the development of houses on corner sites and side gardens set out in section 16.10.9 of that plan, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The vehicular entrance to each dwelling shall be a maximum width of 2.5 metres.

Reason: In the interest of traffic safety.

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

Reason: In the interest of visual amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Pauline Fitzpatrick
Senior Planning Inspector

April, 2022