



An  
Bord  
Pleanála

## Inspector's Report ABP 312820-22.

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| <b>Development</b>             | A detached two storey, three-bedroom house, two parking spaces and new vehicular entrance onto The Rise and associated works. |
| <b>Location</b>                | No 429 Griffith Avenue, Dublin 9.   |
| <b>Planning Authority</b>      | Dublin City Council   |
| <b>P. A. Reg. Ref.</b>         | WEB1858/21.   |
| <b>Applicant.</b>              | Seamus and Geraldine McAnenly.  |
| <b>Type of Application</b>     | Permission  |
| <b>. Decision</b>              | Grant Permission.   |
| <b>Type of Appeal</b>          | Third Party x Grant   |
| <b>Appellant</b>               | Derbhil Geoghegan   |
| <b>Observer</b>                | Anna and Fergal O'Dwyer   |
| <b>Date of Site Inspection</b> | 14 <sup>th</sup> April, 2022.   |
| <b>Inspector</b>               | Jane Dennehy  |

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## 1.0 Site Location and Description

- 1.1. The site has a stated area of 730 square metres and is formed from the side garden of two storey semi-detached house with a single storey rear extension at No. 429 Griffith Avenue and The Rise which is along the west side boundary. The level slopes from north east (at the end of the rear garden toward the south at Griffith Avenue. The adjoining house in the semi-detached pair at No. 427 Griffith Avenue with a two-storey extension to the rear is on the east side.
- 1.2. There is a flat roofed retail unit at Woodpark at the rear facing onto Woodpark, a cul de sac at the rear of the application site to the north of which is a row of local shops to with parking to the front. Surrounding development is primarily in two storey detached houses with front and rear gardens and front curtilage parking.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for subdivision of the site providing for a retained site area of 349 square metres for the existing dwelling and a new site area of 381 square metres for the new dwelling. The proposed dwelling has a stated floor area of 178 square metres, comprising 123 square metres for the ground floor and 55 square metres for the first floor. Vehicular access serving two on site car spaces is shown as being off The Rise at the southern end of the frontage via a 3.6 metres wide sliding gate. The dwelling form is flat roofed reaching a height of 7463 mm. with rooflights overhead and is contemporary in form and design A first floor level balcony overlooking The Rise is located on the west elevation for one of the bedrooms. The separation distance from the rear building line for the footprint ranges from seven metres to 7.3 metres.
- 2.2. The planning authority decided to issue a request for additional information in respect of design, materials and finishes and potentially for overshadowing in response to which a further information submission was lodged on 4<sup>th</sup> January 2022 which includes drawings, a design statement and photomontages. The modifications in the proposal provide for substitution of recessed windows of reduced size for some projecting windows, some proposals for opaque glazing window elements to address concerns as to overlooking of the adjoining property and alterations to the combination of brick material and railings the boundary treatment. With regard to

overshadowing potential, it is stated that the offsets from boundaries are increased at first and ground floor levels and the height relative to existing dwellings is also noted.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. By order dated, 28<sup>th</sup> February, 2022 the planning authority decided to grant permission subject conditions of a standard nature and in addition, a requirement under Condition No 4 (i) for reduction in width of the proposed entrance to three metres maximum. Exempt development entitlements are removed under Condition No 5.

#### **3.2. Planning Authority Reports**

- 3.2.1. The report of the Transportation Planning Division indicates no objection subject to the reduction of the entrance width to three metres as provided for under Condition No 4 (i) There are no objections in the Drainage Division's report.

The planning officer in his initial detailed report which includes a review of the prior unsuccessful application, recommended the request for additional information and in his final report indicated satisfaction with the response received from the application which is described as "comprehensive" and providing for a simplified design which addresses the concerns which had been raised. A grant of permission is recommended.

#### **3.3. Third Party Observations**

- 3.3.1. Submissions was lodged by three parties in which issues of concern raised include that of: overbearing impact, overlooking, overshadowing, excessive size and height, increased demand for parking and concerns as to the location of a new vehicular entrance on the frontage to The Rise with associated hazard and risk to public safety in the vicinity of the entrance.

## 4.0 Planning History

**P. A. Reg. Ref. 4767/19/PL 306942:** The planning authority decision to refuse permission for construction of two storey house and a detached double garage on the site was upheld following appeal for reasons of serious injury to amenities of adjoining properties based on overdevelopment and inappropriate scale, form and design having regard to the prominent site location, its restricted nature and the established pattern and character of surrounding development.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dun Laoghaire Rathdown County Development Plan, 2016-22 according to which the site location comes within an area subject to the zoning objective A; *to protect and/or improve residential amenity.*

Development Management policies, objectives and standards are in chapter 16 in which those for side and corner development in section 16.10. The site location is in Area 3 for which carparking standards in which a maximum of 1.5 spaces is indicated.

## 6.0 The Appeal

6.1. An appeal was lodged on behalf of Derbhil Geoghegan of NO 425 Griffith Avenue on 21<sup>st</sup> February, 2022 in which it is requested that permission be refused. According to the Appeal: -

- The proposed development would adversely affect the amenity of the rear garden at Ms Geoghegan's property.
- The validity of the case made as to the houses at No 2A and 2B The Rise as being sufficient to justify positive consideration of the current proposal is not persuasive. The two sites are similar in shape to the sites in the area and the houses are similar to the prevailing house types and have similar setbacks to the existing house. These characteristics are different due to the length of the proposed house relative to the footpath and the rear boundary the house

having very shallow depth whereas the prevailing site shapes in the area are long and narrow. This allows for semi private front gardens, and deep setbacks from the road frontage. The separation distances from the rear boundary and the footpath for the proposed dwelling are just 1.5 metres and the effect is to accentuate the differences from the existing characteristics.

- The visual impact on Ms Geoghegan's garden is such that its amenities will be reduced especially in the afternoons. While the solid to void ratios are altered in the revisions to the proposal the mass and volume is not reduced. The two-storey building extending 17.5 metres along the original rear garden, and at 7.4 metres in height with black cladding heightens the negative impact.
- Some clarity regarding external finishes in that an annotation as to black cladding is on other drawings but the drawings themselves indicate a light-coloured finish. Details as to finishes should be addressed as part of the application and not by condition, such as Condition No 11 attached to the planning authority decision.

## **6.2. Applicant Response**

- 6.2.1. There is no submission from the applicant on file.

## **6.3. Planning Authority Response**

- 6.3.1. There is no submission from the planning authority on file.

## **6.4. Observations**

- 6.4.1. A submission was lodged on behalf of Anna and Fergal O'Dwyer of NO 427 Griffith Avenue on 8<sup>th</sup> March, 2022 in which full support for the appeal grounds is expressed. According to the submission:

- The CGI images are distorted because the levels in the rear garden at the adjoining site are not shown in the drawings. There is an unacceptable degree of, overshadowing, from the west, the shadow studies not showing the existing conditions. The response submission to the additional information request is not sufficient and it should have been demonstrated that the

development accords with BRE guidance: *Site Layout Planning for Daylight and Sunlight – A Guide for Good Practice*.

- The dwelling would overlook the adjoining property. The first-floor glazed features would cause a perception of overlooking whereas the ground floor windows and doors would face toward the rear garden at No 427.
- The dwelling would have overbearing impact with roof level which is to be 600 mm higher than that of the roof at No 427 extending along the boundary of the garden and black cladding would exacerbate the impact. The building line between the side entrance at no 429 and buildings to the north is incoherent and the materials are inappropriate to the context resulting in incongruity. The proximity of the footprint to the boundaries is unreasonable.
- The quality of the rear private open space for the existing dwelling being surrounded on three sides by the building is substandard.

## 7.0 Assessment

7.1. The application is a repeat proposal in which the applicant seeks to overcome the reasoning for the prior refusal of permission and a reduced footprint and dwelling size has been proposed. A request for additional information was issued in respects of the current proposal to which a response with design modifications was lodged with the planning authority. The Appellant and Observer Parties, occupants of the two properties to the east side request that permission be refused. The following assessment is for the modified proposal and the issues central to the determination of the decision and considered below under the following subheadings are: -

Dwelling form and design

Overbearing Impact

Overshadowing Impact

Overlooking Impact

Entrance arrangements and off-street parking.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

## **7.2. Dwelling form and Design.**

- 7.2.1. The further information submission provides for a simple, contemporary design is appropriate for the purposes of integration where there is an established character of older relatively low-density residential development, homogenous in character. It is agreed with the applicant's agent that simplicity in form, design detail and materials generally is a compatible solution for single dwelling infill on small sites within streetscapes in mature residential areas. The simplified proposal in the further information submission in the elevation facing towards The Rise particularly with regard to the simple recessed glazing, height and finished floor level is fully satisfactory in terms of visual impact within the receiving built environment in views from the public realm.
- 7.2.2. It is considered that the proposed site is capable of providing for its own front building line. It is arguable that the building line along the frontage onto The Rise should be taken from the gable end of the existing house but it is considered that there are adverse implications on the visual amenities and characteristics of the immediate environs or any other planning considerations by way of the building line that would be introduced by the proposed development. The proposed boundary treatment, along the frontage to The Rise, in front of the west facing facade is considered appropriate and positive in visual impact.
- 7.2.3. The concerns as to discrepancies and inconsistencies as to the external finish colours, it is not considered essential the precise detail be subject to consideration prior to determination of a decision but if permission is granted, a condition can be attached providing for clarity and certainty on these details.

## **7.3. Overbearing Impact**

- 7.3.1. There is no doubt that the proposed development has a considerable length and its footprint is significant in site coverage within the original rear garden. The footprint is circa eleven metres from the rear building line which was established for the original houses which have since been extended, the extension at No 427 being centrally positioned. Allowing for some variation in levels between properties and the limited separation distance from the party boundary at No 427, (which is similar to the that from party walls between semi-detached and detached dwellings in suburban



development) it is considered that the proposed dwelling would not be overbearing impact on adjoining properties. The footprint is offset towards the north west from the dwelling and extensions at No 427 and the southern end of the footprint is half way along the depth of the plots of the properties and in and adjacent to the northern end of the rear gardens. In view of the foregoing, the proposed development is not such that it would lead any undue level of sense of enclosure at the adjoining property

7.3.2. It is considered that overbearing impact is also mitigated in the design for the revised proposal owing to the the limited height of the parapet for the ground floor facade and the considerable setback of the first-floor level of the dwelling. Nevertheless, it is to be acknowledged that the insertion of an infill dwelling into the proposed site does constitute a considerable change in immediate environs and context for neighbouring rear gardens, but it is considered that the proposed development is satisfactory and would not have undue negative impacts.

7.3.3. The avoidance of use of external extensive surface coverage in finishes in black or other dark colouring is advisable from the perspective of visual impact in the surrounding area and amenities in gardens at adjoining properties. As previously stated under para 7.3, above, clarification is required. It is considered that this can be dealt with resolved through an appropriately phrased condition if permission is granted.

#### **7.4. Overlooking Impact.**

7.4.1. It is appreciable that there is potential for perceptions of overlooking from the rear gardens of the properties at No 425 and 427 Griffith Avenue from the first-floor landing window. However, it is noted that the fenestration is for a landing and that frosted glazing is to be fitted and, the considerable setback from the parapet edge and the adjoining property's rear is also of note in this regard. The proposed development would not overlook these properties and to this end, adversely affect residential amenities through loss of privacy.

#### **7.5. Overshadowing Impact**

7.5.1. It is agreed with the planning officer that undue overshadowing of the adjoining property at No 427 would not arise in that additional overshadowing impact, from the west would be confined to a limited additional shadowing at the bottom, northern end

of the rear garden. The plots of the properties on Griffith Avenue are of considerable depth, and some increase in shadow is cast over gardens where the dwellings have been extended beyond their original rear building line. It is agreed with the planning officer that a study to the standard and detail provided for in Site Layout Planning for Daylight and Sunlight – A Guide for Good Practice. (BRE 2018) is unwarranted on the case of the subject proposal.

#### **7.6. Entrance arrangements and off-street parking.**

There is concern among third parties, having regard to the observations submitted at application stage regarding the proposal for a vehicular entrance onto The Rise but it is noted that the Transportation Planning Division considers this proposal acceptable subject to installation on inward opening gates, (a sliding gate is proposed) and a reduction in width to three metre maximum, the proposed width being 3.6 metres.

While two spaces on site are proposed, which is above the indicative maximum of 1.5 spaces per dwelling for Area 3 parking standards according to Table 16.1 of the CDP, it is not recommended that the on-site parking be reduced. There is considerable demand, outside and associated with the local shops for short term parking and the proposal should ameliorate potential for long term on street parking by future occupants. The entrance which is sufficient in distance from the junction and from the retail units is such that access and egress should operate reasonably without undue obstruction to and or risk to the safety of road users.

#### **7.7. Environmental Impact Assessment Screening**

- 7.7.1. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.8. Appropriate Assessment Screening.**

- 7.8.1. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise.

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**

In view of the foregoing, it is considered that the planning authority decision to grant permission should be upheld in that it is considered that the revised proposal included in the further information submission provides for a satisfactory solution to the issues as a result of which the original proposal in the application and the previously unsuccessful proposal are unacceptable. It is recommended that permission be granted based on the Reasons and considerations and subject to the conditions below.

## **9.0 Reasons and Considerations**

Having regard to the site configuration and its location at the corner of Griffith Avenue and The Rise, to the footprint, mass, height and form, incorporating the first floor setbacks and to the contemporary dwelling design it is considered that subject to conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area by reason of overbearing impact, overshadowing, overlooking or due to dwelling form, height, design and finishes, would be acceptable in terms of traffic safety and convenience and, would be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged with the planning authority on 4<sup>th</sup> January, 2022 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Light shaded colours for external finishes only shall be used. Black and dark grey other than in glazed window and door frames shall be excluded. Prior to the commencement of development, the applicant shall submit and agree in writing with the planning authority full details which shall include sample panels.

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

3. The vehicular entrance off The Rise shall be reduced to a maximum width of three metres and shall be fitted with inward opening of sliding gates only. Prior to the commencement of development, the applicant shall submit and agree revised plan section and elevation drawings in writing with the planning authority.

**Reason** In the interest of clarity and the safety and convenience of road users.

4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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 agreement has been received from the planning authority.

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

5. Prior to the commencement of the development, the applicant shall submit and agree with the planning authority, a fully detailed landscaping scheme for the

site including hard and soft landscaping and for boundary treatment all of which shall be implemented within the first planning season following occupation of the dwelling.

**Reason:** In the interest of residential and visual amenities.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

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

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

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

8. 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.

**Jane Dennehy**  
Senior Planning Inspector  
16<sup>th</sup> April, 2022.