



An  
Bord  
Pleanála

## Inspector's Report ABP-313296-22

### Development

Demolition of existing single storey garage, omission of existing vehicular access from Cremore Road to provide pedestrian access, construction of single storey, single person dwelling attached to neighbouring garage and alterations to side boundary railings

### Location

Site to rear of 11 Cremore Avenue,  
Dublin 11

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3114/22

### Applicant(s)

Maura and Graham Earley

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Maura and Graham Earley

### Observer(s)

None

**Date of Site Inspection**

20/07/2022

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The site (as outlined in red) has frontage onto Cremore Road while No. 11 Cremore Avenue is located at the junction of Cremore Avenue and Cremore Road. The subject site has a stated area of 95m<sup>2</sup>.
- 1.2. It forms the existing rear garden area of No. 11 Cremore Avenue and presently contains a single storey garage/shed with vehicular entrance from Cremore Road.
- 1.3. This is a mature residential area, characterised by two-storey, semi-detached dwellings.

## 2.0 Proposed Development

- 2.1. Permission is sought for demolition of existing single storey garage, omission of existing vehicular access from Cremore Road to provide pedestrian access and construction of single storey, single person dwelling attached to neighbouring garage and alterations to side boundary railings.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority REFUSED permission for the following reason:

1. The proposed development is located in an area zoned Z1 with the objective 'to protect, provide and improve residential amenities' under the Dublin City Development Plan 2016 – 2022. The proposed development, by providing residential accommodation in which the private open space would substandard in terms of quantity and quality. The proposed development would be seriously injurious to the residential amenities of the future occupants of the proposed dwelling. The proposed development would therefore, by itself and by the precedent it would set for other development, would be contrary to the Z1 residential zoning objective for the area, the provisions of the Dublin City Development Plan 2016 – 2022 and the proper planning and sustainable development of the area

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The main points of the planner's report include:

- the principle of residential development is accepted within this zoning objective subject compliance with the Dublin City Development Plan 2016-2022.
- considered that the proposed dwelling would respond appropriately to the character of the area. Notwithstanding this there are concerns that the proposed timber clad bicycle/bin store to the front of the dwelling would not respond in an acceptable manner to the character of the area.
- considered that the proposed dwelling would comply with the minimum standards set out in Section 5.3.2 of the Guidelines in terms of floors area
- proposed development would not comply with the requirements of Section 16.10.2 of the Dublin City Development Plan 2016-2022 in terms of private open space provision
- concerns relating to the level of sunlight that would penetrate the private open space, having regard to its location, orientation and the fact that it would be c.0.5m lower than street level and enclosed by walls. Considered that the proposed private open space is substandard in terms of quantum in quality in terms of the level of sunlight it would receive.
- the proposed development would not have overlooking impacts, overshadowing or overbearing impacts.
- recommends refusal of permission

### 3.2.2. Other Technical Reports

Transportation Planning Division- no objections, subject to conditions

Drainage Division- no objections, subject to conditions

## 4.0 Planning History

2138/20

Permission REFUSED for two storey detached dwelling house, replace existing side vehicular access to proposed pedestrian access along with alterations of side boundary railings, demolition of rear garden garage and associated site development works, provision of service connections, landscaping and boundary treatment. The reason for refusal related to impacts on the visual and residential amenities of the area; levels of privacy and practical usability of private opens pace and contrary to zoning objective and proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Development Plan

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

The site is in an area zoned 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

Section 16.10.9 Corner/Side Garden Sites and Section 16.10.10 Infill Housing are noted

Appendix 17 sets out development management guidance.

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)

## 5.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.

## 5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main points of the appeal are:

- Cites local and national policy guidance in support of application
- Private open space provision will provide sufficient amenity for dwelling
- Courtyard area will receive direct sunlight; light study includes covered walkway. Sunlight will reach courtyard between 9.30am and 2.30pm at winter solstice
- Covered courtyard element can be considered as part of private open space provision as the amount of people accessing/egressing the courtyard will be minimal
- Sensitive infill development which will have positive impact on existing visual and physical amenities of neighbourhood

- Seeks to increase residential density and provide a variety of housing type in an otherwise low-density monotype housing area
- Dwelling proposed should be considered as an own door apartment
- Area to front of dwelling will be heavily planted and provides for additional amenity

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, in addition to having visited the site. The primary issues, as I consider them, are the impact on the visual and residential amenity of the area arising from the proposed development and quality of proposed residential amenity for future occupants.
- 7.2. The proposal is for the demolition of an existing garage and replacement with a single storey dwelling fronting on Cremore Road, Dublin 11. Section 16.10.9 of the operative City Development Plan sets a generally favourable policy towards building houses in 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.
- 7.3. I note the concerns of the planning authority which relate primarily the private open space provision and their opinion that it is substandard in terms of quantity and quality. They are further of the opinion that the proposed development would

therefore be seriously injurious to the residential amenities of the future occupants of the proposed dwelling and would by itself and by the precedent it would set for other development, be contrary to the Z1 residential zoning objective for the area. The planning authority calculate the private open space provision as being approximately 6 square metres. They have omitted the covered walkway element of the courtyard in their calculations as they consider it to be circulation space. While I acknowledge that it will act as circulation space, I consider it to be an integral part of the courtyard area and will read as one element- not two separate elements. Given the limited size of the proposed dwelling, catering to one-person, it is unlikely that this area will experience a high volume of circulation. The planning authority also do not consider the area to the front of the proposed dwelling, along Cremore Road, to constitute amenity space. While I acknowledge that it is forward of the front building line and is not overlooked by the living room, I consider that it has the potential to contribute to the amenity of both the proposed dwelling and to the roadway by providing a suitably landscaped area. It will be overlooked by those passing on the street and by those entering/exiting the proposed dwelling. I am satisfied with its amenity value and consider that if the Board is disposed towards a grant of permission, that details in relation to the landscaping of this area should be dealt with by means of condition. I also consider that the proposed bin/bicycle store should be relocated to a less obtrusive area of this space. Again, this matter could be adequately dealt with by means of condition. I consider that the concerns of the planning authority in relation to the quality and quantity of private open space provision are not so great as to warrant a refusal of permission.

7.4. In terms of the concerns of the planning authority in relation to daylight/sunlight into the proposed courtyard area, I note that a Daylight Strategy was submitted with the application documentation. I am not unduly concerned in relation to this matter. A good design response has been put forward to deal with this restricted site and I have no information before me to believe that the proposed courtyard would not receive adequate levels of daylight/sunlight throughout the year. The proposal will aid in the provision of housing and densification of urban areas, in accordance with national guidance.

7.5. Adequate private open space remains for the proposed dwelling to comply with Development Plan standards.



- 7.6. The proposed house would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. It would not be unduly visible on the streetscape.
- 7.7. The planning authority have not raised concerns in relation to the omission of existing vehicular access from Cremore Road to provide a pedestrian access. No off-street parking space is proposed. I am satisfied in this regard given the urban location of the site and its proximity to public transport, to available on-street parking in the vicinity, together with the limited scale of the proposed development.
- 7.8. Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the City Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

## 8.0 **Appropriate Assessment Screening**

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 9.0 **Recommendation**

- 9.1. I recommend permission be GRANTED subject to conditions.

## 10.0 **Reasons and Considerations**

Having regard to the 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 house 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

## 11.0 Conditions

1.	<p>The development shall be carried out 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><b>Reason:</b> In the interest of clarity</p>
2.	<p>Prior to the commencement of any works on site, the applicants shall submit for the written agreement of the planning authority, revised drawings showing:</p> <p>(a) the proposed bin/bicycle store shall be relocated to along the eastern boundary of the site, perpendicular to the front boundary railings.</p> <p>(b) details of proposed landscaping for the area to the front of the proposed dwelling along Cremore Road. All planting shall be carried out within the first growing season of occupation of the proposed dwelling</p> <p><b>Reason:</b> In the interests of visual amenity</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p>

	<p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
6.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in relation to the provision of a soakpit shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area</p>
8.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<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</p>

<p>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><b>Reason:</b> 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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Lorraine Dockery  
Senior Planning Inspector

26<sup>th</sup> July 2022