



An
Bord
Pleanála

Inspector's Report ABP-313336

Development	Construction of a new, detached, two storey, three-bed dwelling house in the side garden, construction of a single storey rear extension to the existing dwelling house and revised access arrangements to this dwelling house.
Location	8 Martin Savage Park, Navan Road, Ashtown, Dublin 15
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3179/21
Applicant(s)	Damian Kidd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Damian Kidd
Observer(s)	Tony Mooney & Others

Date of Site Inspection

3rd October 2022

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located towards the south-eastern corner of Martin Savage Park, a housing estate that lies on the eastern side of that portion of Ashtown Road that runs between Ashtown Railway Station and the Halfway House Roundabout on the Navan Road (R147). This estate is laid out in a rectangular form, and it is composed mainly of two storey terraced dwelling houses along with a few pairs of single storey semi-detached dwelling houses. Several examples of single storey and two storey side extensions to some of the end of terrace two storey dwelling houses exist.
- 1.2. The site itself lies on the inside of the south-eastern corner to the estate road. It is of rectangular shape, and it extends over an area of 385 sqm. The site is the subject of gentle gradients that radiate upwards from the corner, and which rise generally from north to south across the site. It presently accommodates a two-storey end-of-terrace dwelling house with front, side, and rear gardens. The side and front gardens are enclosed by means of a 1.8m high wall, which abuts the back of the adjoining footpath to the estate road. This wall returns to align with the front elevation of the dwelling house. In this section there are a pair of double gates that correspond with the front drive-in to the site. It also returns along the extremity of the rear garden, which abuts the side of the front garden to the nearest dwelling house to the north at No. 10.

2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
 - The construction of a new, detached, two storey, three-bed/five-person dwelling house (110 sqm) in the side garden to the site. This dwelling house would align with the front elevation of the existing dwelling house and the rear elevation of the proposed single storey extension to this dwelling house. Its window lines and eaves and ridge lines would, likewise, align. It would have a double pitched roof with front and rear hipped ends. The proposed dwelling house would be served by the existing drive-in, and it would be accompanied by the existing boundary wall to the side, which would be raised to 1.8m over a length of 2.188m forward of the dwelling house.

- The construction of a single storey rear extension (16 sqm) to the existing dwelling house (73 sqm) in conjunction with alterations to the internal layout of this dwelling house. This dwelling house would be served by a new vehicular entrance and driveway across its front garden.

3.0 Planning Authority Decision

3.1. Decision

Following the applicant's response to the request for further information, permission was refused for the following reason:

The proposed development of a two-storey detached house in this side garden would break the building line by 8m, and be constructed in very close proximity to the boundary with the public road. It would be visually obtrusive and have unacceptable impacts on visual amenity and would therefore seriously injure the amenities of property in Martin Savage Park and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Under further information, the applicant was requested to address the break in the building line by 8m that his proposal would cause. In this respect, he was invited to consider a revised design, i.e., a reduction in the size of the dwelling house and/or its attachment to the existing dwelling house.

3.2.2. Other Technical Reports

- Dublin City Council
 - Drainage: No objection: Standard advice given.
 - Transportation Planning: No objection, subject to conditions, one of which requires that the existing 1.2m high boundary wall be retained at his height rather than being raised to 1.8m.

4.0 Planning History

- 0438/20: SHEC granted to shadow proposal.
- WEB1075/21: Detached, three storey, four-bed dwelling house: Refused for the following reason:

The design of the proposed house including the ridge height, roof profile, substantial side dormer, window opes, finishes and materials would set a precedent for development which would be incompatible with the established character of this estate. In this context, the proposed development is contrary to the provisions of Policy QH22 of the Dublin City Development Plan 2016 – 2022 which requires that “New housing close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.” The proposed development would, therefore, detract from the visual amenities of the area, be contrary to the Z1 zoning objective to protect the residential amenities of the area, and be contrary to the proper planning and sustainable development of the area.

- 0228/21: SHEC granted to shadow current proposal.

5.0 Policy and Context

5.1. National Planning Guidelines and Advice

- Sustainable Residential Development in Urban Areas
- Quality Housing in Sustainable Communities: Best Practice

5.2. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area zoned Z1, wherein the objective is “To protect, provide and improve residential amenities.”

Section 16.10.9 of the CDP addresses corner/side garden sites as follows:

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute

valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.

However, some corner/side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house.

The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- 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.*

5.3. Natural Heritage Designations

Portions of Dublin Bay are the subject of European designations.

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2022, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a site with an area of 0.0408

hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Site context

- The side garden, which would be developed to provide the proposed dwelling house, has an area of 192.6 sqm. Typical house plot areas on Martin Savage Park for terraced and semi-detached dwelling houses are 161 sqm and 232.7 sqm.
- The typical pattern of housing on Martin Savage Park is identified as being terraces of 4 dwelling houses with reoccurring brickwork features.

Building line

- The front building line in question does not continue to the south of the site, insofar as Nos. 11, 13 & 15 Martin Savage Park extend beyond it. Likewise, dwelling houses further to the south, at Ashbrook, do so, too.
- The streetscape does not maintain a significant vista and it is shaped by the presence of single and two storey dwelling houses.
- Views across the site are limited by the presence of existing walls and landscaping.
- The proposed dwelling house would align with the front building line of the existing dwelling house on the site.

Side garden suitability

The applicant interacts with the provisions of Section 16.10.9 of the CDP as follows:

- The character of the street: The proposal is for a detached rather than an attached dwelling house, as it would respect the pattern of the adjacent

terrace and it would facilitate the retention of a bathroom window and side access.

- The compatibility of design and scale with adjoining dwellings: The proposal would use similar materials and its height would be in keeping.
- Impact on residential amenities: Undue overshadowing of and loss of daylight to neighbouring properties would not arise.
- Open space standards: The existing and proposed dwelling houses would be accompanied by adequate private open space.
- Access and parking: One space per dwelling house would be provided and access arrangements would be satisfactory.
- Landscaping and boundary treatments: The site has been largely enclosed by means of a 1.8m high wall for many years.
- Maintenance of building lines were appropriate: The Planning Authority's view that the breach of the front building line to the north of the site would have considerable visual impacts is contested – refer to the points raised under building line above.

6.2. Planning Authority Response

Section 48 condition requested.

6.3. Observations

Tony Mooney & Others of Martin Savage Park

- The observers draw attention to the existing walls on the proposed development site that replaced the lower original brick walls. They also draw attention to the falls on the site towards the east and towards the north.
- The proposed extensions to the dwelling house at 35 Martin Savage Park were permitted under 4413/16 were amended by condition. The required design approach in this case is commended.
- The observers make the following comments on the applicant's grounds of appeal:

- The applicant's existing dwelling house is not "semi-detached" but end-of-terrace.
- Martin Savage Park is composed largely of terraces of 4 or 6 dwelling houses. Single and two-storey side extensions have been constructed to several end-of-terrace dwelling houses. Two, at the northern and lower end of the estate, have been sited in positions that are set back 5m from the adjacent public footpath. Such a set back would be wholly absent from the proposal.
- Ashbrook is a scheme of apartments, which is quite separate from Martin Savage Park.
- The higher level of the site and the proposed two storey dwelling house would mean that the proposal would tower over residential properties to the north and obstruct sunlight to the same.
- Exception is taken to the applicant's offer to specify three rather than two first floor windows in the rear elevation of the proposed dwelling house – this would require to be the subject of a new application.
- Any reference to the BER ratings of existing dwelling houses is irrelevant to this appeal.
- The observers support the Planning Authority's reason for refusal. They express particular concern over the risk of an adverse precedent that would undo long established amenities in their estate and beyond.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the Dublin City Development Plan 2016 – 2022, relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and residential standards,
- (ii) Visual and residential amenity,
- (iii) Access,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Land use and residential standards

- 7.2. Under the CDP, the site lies within a housing estate that is zoned Z1, wherein residential development is acceptable in principle from a land use perspective.
- 7.3. Under Section 5.9 of the Sustainable Residential Development in Urban Areas Guidelines, the potential for infill residential development is recognised. Likewise, Section 16.10.9 of the CDP recognises the contribution that the development of corner/side garden sites can have in ensuring the efficient use of serviced urban land.
- 7.4. Quantitatively, the proposed detached two-storey dwelling house would afford three-bed/five-person accommodation over a floorspace of 110 sqm. Under Table 5.1 of the Quality Housing in Sustainable Communities: Best Practice Guidelines, this floorspace and its distribution between living and bedroom spaces would be satisfactory. However, a shortfall in internal storage would arise, and external refuge provision towards the end of the existing and proposed drive-ins would be unduly conspicuous. These issues would be capable of being addressed by condition.
- 7.5. Qualitatively, the proposed dwelling house would be orientated on a north/south axis. It would be served by sufficient private open space (61.8 sqm) to the rear. Likewise, the residual rear garden (52.8 sqm) envisaged for the applicant's extended dwelling house would be adequate.
- 7.6. I conclude that the proposed dwelling house would be acceptable in principle from a land use perspective. I conclude, too, that, subject to some fine-tuning of storage arrangements, it would afford a satisfactory standard of amenity to future occupiers.

(ii) Visual and residential amenity

- 7.7. Under Section 16.10.9 of the CDP, corner/side garden sites are addressed. This Section sets out criteria that are to be considered when assessing new dwelling

house proposals for such sites. They include the need to consider the character of the street, the compatibility of any proposals design and scale with adjoining dwelling houses and the maintenance of front and side building lines, where appropriate.

- 7.8. The Planning Authority assessed the current proposal in the light of Section 16.10.9 and decided to refuse permission on the grounds that the new dwelling house would breach the front building line of the dwelling houses to the north of the site by 8m and so this dwelling house would be sited in a position immediately adjacent to the estate road in the applicant's side garden. Consequently, it would be visually obtrusive and so harmful to the visual amenities of the housing estate.
- 7.9. The applicant has responded to the Planning Authority's refusal by questioning the weight given to the maintenance of the building line at issue. In this respect, he draws attention to the termination of this building line to the south of the site and he expresses the view that it is not of importance to any vista. He emphasises the suitability of the site for the development, as proposed, and he also emphasises the compatibility of the size and design of the new dwelling house with his existing dwelling house on the site. He explains that the specification of a detached dwelling house allows for the design integrity of the existing adjacent terrace to be respected and it facilitates the retention of a bathroom window in his existing dwelling house and the provision of a passageway between the two adjacent dwelling houses.
- 7.10. During my site visit, I observed the equivalent terrace to that at Nos. 2 – 8 (even, inclusive) at the northern end of the estate, i.e., Nos. 30 – 40 (even, inclusive). The end dwelling houses to this terrace have been extended to the side, i.e., a single storey extension to No. 30 and a two-storey extension to No. 40. In both cases, these extensions are sited in positions that allow for c. 5.5m and c. 4.5m of a set back from the adjacent footpath to the estate road. Their design, too, ensures their integration with their host dwelling house, e.g., the extension at No. 30 has a red brick finish to its front elevation under a double pitched roof with a straight gable and the extension at No. 40 has a red brick finish to its straight gabled side elevation.
- 7.11. During my site visit, I also observed that the two-storey end of terrace dwelling house at No. 5 has a two-storey side extension, too. This dwelling house would have had a brick finished straight gabled side elevation originally. Its two-storey side extension now has this finish on its straight gabled side elevation and the presence of the

originally brickwork where it abuts the front elevation has been removed. Part of the applicant's case for specifying a detached rather than an attached new dwelling house for the site relates to the pattern of brickwork evident in the adjacent terrace and indeed throughout the estate. This pattern entails brick finished gabled ends and the presence of a column of bricks at two dwelling house intervals. It is a subtle pattern and so its dilution at No. 5 in the terrace opposite is not particularly striking.

- 7.12. Given the original character of the housing estate and the manner in which side extensions have subsequently been added, the proposed introduction of a detached two-storey dwelling house in the side garden of the site would be novel. The width and eaves and ridge heights of this dwelling house would be similar/the same as those of the existing dwelling house. Likewise, there would be a sympathetic horizontal alignment of new and existing openings in the corresponding front and rear elevations. Its depth would match that of the extended existing dwelling house, as proposed. However, as it would be of two-storey form, its size and mass would be considerably greater and noticeably so, given its proximity to the estate road. While the design of the front and rear elevations would be attractively proportioned, the fully hipped ends to the accompanying double pitched roof would be far less sympathetic to their context.
- 7.13. I have considered the observers concern that the proposed dwelling house would adversely affect the lighting of the nearest residential properties to the north. However, given the separation distances that would arise between this dwelling house and these properties, I do not consider that their lighting would be unduly affected.
- 7.14. Under the proposal, the new dwelling house would span virtually the complete width of the applicant's side garden and it would be wholly beyond the front building line established by dwelling houses to the north of the site. Its detached form, depth, and roof shape would be eye-catching within the context of the surrounding housing estate. These factors would cause the new dwelling house to be visually obtrusive and intrusive and so I conclude that it would be harmful to the visual amenities of this estate.

(iii) Access

- 7.15. Under the proposal, the existing vehicular entrance and drive-in to the site would be retained and assigned to the proposed dwelling house, while a new vehicular entrance and drive-in over the front garden to the existing dwelling house would be provided. The site is a corner one and so the estate road curves around it. The existing vehicular entrance is on this curve, and it would be joined by the new vehicular entrance on the initial portion of the curve. Forward visibility around the corner is affected by the existing 1.8m high side boundary wall. The Planning Authority's Transportation Planning consultee advises against the applicant's proposed extension of this wall forward of the new dwelling house, as this would reduce at the margin forward visibility. I concur with this advice.
- 7.16. I conclude that the proposed access arrangements for the site would be satisfactory, subject to no increase in the height of the side boundary wall.

(iv) Water

- 7.17. The site is served by the public mains water supply and the public foul and stormwater sewerage system. Under the proposal, the new dwelling house would be the subject of separate connections to the public mains water supply and the public foul sewerage system, while surface water run-off from the existing and proposed dwelling houses on the site would be the subject of SuDS methodologies including soakaways.
- 7.18. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.19. I conclude that, under the proposal, no water issues would arise.

(v) Appropriate Assessment

- 7.20. The site is not in or beside any European site. It is a fully serviced suburban site. Under the proposal, an extra dwelling house would be added to the site and the existing dwelling house would be extended. No Appropriate Assessment issues would arise.
- 7.21. Having regard to the nature, scale, and location of the proposal, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise

as the proposal 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

That permission be refused.

9.0 Reasons and Considerations

Having regard to Section 16.10.9 of the Dublin City Development Plan 2016 – 2022, it is considered that, due to its siting close to the estate road and wholly forward of the established front building line exhibited by the dwelling houses to the north of the site, its depth and consequent size and mass, and its detached form and novel roof shape, the proposed dwelling house for the site would be visually obtrusive and intrusive within the context of the existing housing estate. Consequently, this dwelling house would contravene Section 16.10.9 of the Development Plan and it would be seriously injurious to the visual amenities of the area. The dwelling house would, therefore, fail to accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

18th October 2022