



An
Bord
Pleanála

Inspector's Report ABP-313392-22

Development

Construction of two-storey, two-bed detached dwelling house with amended landscaping, & creation of vehicular access & parking with new boundaries and associated site works

Location

Site adjacent to No. 1 Four Oaks,
Oaklands Crescent, Dublin 6,

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3187/22

Applicant(s)

Marie Long

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Richview Management DAC, OMK
Property Advisors

Observer(s)

None

Date of Site Inspection

21st September 2022

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 136 square metres, is located at the entrance to a small gated enclave of four detached dwellings. The site for development lies to the south of No. 1 Four Oaks.

2.0 Proposed Development

- 2.1. Permission is sought for construction of two-storey, two-bed detached dwelling house with amended landscaping, creation of vehicular access and parking with new boundaries and associated site works. The stated floor area of the proposed dwelling is 84 square metres.

3.0 Planning Authority Decision

3.1. Decision

The planning authority GRANTED permission, subject to 9 standard conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report include:

- Proposal for a new corner dwelling makes good use of Z1 lands and provides a high quality two-bedroom dwelling without comprising the visual and residential amenities of the surrounding area.
- Proposed dwelling is of an appropriate scale and the site is large enough to accommodate a dwelling of this scale without harming the visual and residential amenities of the area. It is considered that proposed dwelling is acceptable at this location and would not affect the character of neighbouring properties.
- Recommends grant 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

None

5.0 Policy and Context

5.1. Development Plan

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

Zoning- 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'.

Section 16.10.9 Corner/Side Garden Sites

QH5: To promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites

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.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area

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.

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:

- Traffic and transport concerns- creation of serious traffic hazard
- Residential amenity concerns- inadequate private open space, setting of undesirable precedent
- Visual amenity- visually dominant, obtrusive and overbearing
- Contrary of zoning objective and contrary to proper planning and sustainable development of the area

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

A response was received on behalf of the first party which refutes all grounds of appeal. No new planning matters raised.

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 and the first party response, in addition to having visited the site. The primary issues, as I consider them, are (i) the impact on the visual and residential amenity of the area arising from the proposed development and (iii) traffic and transport matters.

Policy Context

- 7.2. Section 16.10.9 of the operative City Development Plan sets a generally favourable policy towards development on corner/side garden sites, subject to compliance with normal planning criteria. I consider the proposal to be substantially in compliance with this section of the operative City Development Plan.

Visual Amenity

- 7.3. In terms of visual amenity, I am generally satisfied with the design approach put forward in this instance. I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider the proposal to be out of character with existing development in the vicinity nor does it represent over-development of the site. I am satisfied that the proposed development is in accordance with the operative City Development Plan in this regard.

Residential Amenity

- 7.4. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. I note that there are no residential properties immediately to the south, east or west of the site. 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. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a

serviceable site, in an established city area, where there are adequate public transport links, services, facilities and employment in close proximity.

- 7.5. Adequate private open space is proposed for both the existing and proposed dwellings, to comply with Development Plan standards. I note that the proposed dwelling complies with the operative Development Plan in terms in internal standards.

Traffic and Transport Matters

- 7.6. I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. I note from the documentation that the development is gated and the road within private ownership. Given the limited scale of the proposed development (a two-bedroom dwelling), I would not anticipate it to lead to the generation of significant volumes of traffic. In-curtilage parking is proposed. The proposal is substantially in compliance with Development Plan standards in this regard and the Transportation Division of the planning authority have no objections to the proposal, subject to conditions.
- 7.7. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

Conclusion

- 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, which seeks 'to protect provide and improve residential amenities', 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 corner/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>Reason: In the interest of clarity</p>
2.	<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>Reason: In the interest of visual amenity.</p>

3.	<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>Reason: In order to safeguard the amenities of property in the vicinity.</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5.	<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.</p> <p>Reason: In the interest of public health and surface water management.</p>
6.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p> <p>Reason: In the interests of public health</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters</p> <p>Reason: In the interests of public safety</p>
8.	<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>Reason: To protect the 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</p>

	<p>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>
--	--

Lorraine Dockery
Senior Planning Inspector

26th September 2022