



An  
Bord  
Pleanála

## Inspector's Report ABP-313550-22

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<b>Development</b>	The provision of 2 no. semi-detached, part single storey to rear/part two-storey, two-bed dwelling houses, along with covered bin/bike storage, 2 no. car parking spaces, and a widened vehicular access.
<b>Location</b>	185 Charlemont, Griffith Avenue, Dublin 9
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3806/21
<b>Applicant(s)</b>	Deirdre Halligan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 10 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Deborah Rogers
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> October 2022

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in a position off the easternmost cul-de-sac in the Charlemont housing estate, which is accessed off Griffith Avenue (R102), and to the south of No. 107 Donnycarney Road. This housing estate is composed of two-storey semi-detached and terraced dwelling houses. To the south of the cul-de-sac lies St. Vincent's GAA Grounds, which are accessed separately via Casino Park from the Malahide Road (R107).
- 1.2. The site itself extends over an area of 398 sqm. It is composed of two distinct portions:
- The minor portion is part of the front garden/drive-in area to the applicant's residential property at No. 185 Charlemont. This portion abuts along its western boundary the eastern boundary to the northern and central parts of the rear garden to the appellant's residential property at No. 186 Charlemont.
  - The major portion comprises the southern half of what was formerly the extensive rear garden to the residential property at No. 107 Donnycarney Road. This portion is at a higher level than the first portion and it is presently a grassed area enclosed by walls. A shed is sited in its south-western corner, which abuts the north-eastern corner of the appellant's rear garden. Pedestrian access is available via a gate in the wall along the northern boundary to the applicant's front garden/drive-in area.

## 2.0 Proposed Development

- 2.1. The proposal would comprise the following elements:
- The construction of a pair of semi-detached, part single storey to rear/part two-storey to front, two-bed/four-person dwelling houses (237 sqm), which would be denoted as A (easterly) and B (westerly). These dwelling houses would be sited centrally in the main portion of the site, and they would be orientated on a north/south axis.
  - The construction of a covered bin/bike storage sheds to the side of each new dwelling house. Gardens would be laid out to the side of each dwelling house and 2 no. car parking spaces would be formed in front of dwelling house B, in

conjunction with the widening of the existing vehicular access to the applicant's residential property. A new car parking space would be formed in front of the applicant's dwelling house in the southern portion of her front garden.

While the existing and proposed dwelling houses would be independent of one another, they would share the widened vehicular access.

- 2.2. Under further information, the proposal was amended to show the front of the first floor of each dwelling house stepped back to clear a covered entrance way at ground floor level. Each dwelling house would be marginally wider, too, i.e., by 0.28m, from 6.060m to 6.340m.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following receipt of further information, permission granted, subject to 10 conditions, including the following one, denoted as Condition No. 10.

*The proposed development shall be amended as follows:*

*(a) The windows at first floor level on the side elevation serving the bedroom in both dwelling A and dwelling B shall be omitted.*

*(b) The windows at first floor level on the north elevation serving the bathroom and hallway in both dwelling A and dwelling B shall be permanently obscure glazed and top-hung opening only.*

*Reason: In the interest of visual and residential amenity of the area and to prevent overlooking of adjoining gardens.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The following further information was requested:

- Overlooking of adjacent properties from proposed side and rear first floor windows and overlooking of the garden to the dwelling house denoted as No. 107 Donnycarney Road to be addressed.

- Daylight and sunlight study of the proposal to be prepared/submitted.
- Swept path analysis of the proposed parking arrangements to be prepared/ submitted.
- How the proposed parking arrangements would operate to be elucidated.

### 3.2.2. Other Technical Reports

- Dublin City Council
  - Drainage: No objection: Detailed advice set out on surface water drainage.
  - Transportation Planning: Following receipt of further information, no objection in the specific circumstances of the site: Standard advice set out.

## 4.0 Planning History

0366/21: SHEC granted to shadow the current proposal.

## 5.0 Policy and Context

### 5.1. National Planning Guidelines/Advice

- Sustainable Residential Development in Urban Areas
- Quality Housing for 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.”

Policy QH22 of the CDP states: “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.”

Section 16.10.8 of the CDP addresses backland development:

*Dublin City Council will allow for the provision of comprehensive backland development where the opportunity exists. Backland development is generally defined as development of land that lies to the rear of an existing property or building line. The development of individual backland sites can conflict with the established pattern and character of development in an area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening. By blocking access, it can constitute piecemeal development and inhibit the development of a larger backland area. Applications for backland development will be considered on their own merits.*

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.*

Section 16.10.2 of the CDP addresses residential quality standards for houses. It states the following:

#### *Floor Areas*

*Houses shall comply with the principles and standards outlined in Section 5.3: 'Internal Layout and Space provision' contained in the DEHLG 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).*

#### *Aspect, Natural Light and Ventilation*

*Living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit. Apart from rooms primarily served by windows in dormer extensions, glazing to all habitable rooms shall not be less than 20% of the floor area of the room. Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011). In general, back-to-back dwellings will not be permitted due to their single aspect and restricted access to private open space.*

#### *Private Open Space*

*Privacy is an important element of residential amenity and contributes towards the sense of security. Private open space for houses is usually provided by way of private gardens to the rear or side of a house. A minimum standard of 10 sq.m of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq.m of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5–8 sq.m of private open space per bedspace will normally be applied.*

*At the rear of dwellings, there should be adequate separation between opposing first floor windows. Traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. Careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances and windows serving halls and landings do not require the same degree of privacy as habitable rooms.*

*Where dwellings have little or no front gardens in urban settings, it is important that 'defensible space' is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully*



*considered. Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries, and not back on to roads or public open spaces.*

### **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 2 dwellings on a site with an area of 0.0398 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 location and context

The site was originally part of the rear garden to the dwelling house at No. 107 Donneycarney Road. It did not, therefore, form part of the original Charlemont estate and its development as now proposed would depart from the uniform pattern of this estate. The Z1 zoning objective for this site would not be upheld.

- Principle

The proposal would be for neither a corner/side garden site nor an infill site. Consequently, it should not have been assessed under the provisions of

Sections 16.10.9 or 16.10.10. Instead, the application site is a backland one, where the provisions of Section 16.10.8 are applicable.

- Architectural design

Attention is drawn to existing building lines and the scale, heights, massing, and layout of existing dwelling houses on Charlemont in the vicinity of the site, which combine to give the estate its character. The proposal would fail to either integrate with or be compatible with this character.

- Residential amenity – third party

- Overlooking

Concern is expressed that, whereas the Planning Authority addressed the proposal's impact on the residential amenities of No. 107 Donnycarney Road, it did not address the amenities of the appellant's property at No. 186 Charlemont. Under further information, the width of the proposed dwelling houses was increased at first floor level. Dwelling house B would thus be closer again to the appellant's property.

While the Planning Authority's Condition No. 10 omits the side windows to bedrooms, the front windows pose the greater risk to amenity in terms of overlooking/loss of privacy. In this respect, the proposed shutters are not considered to be a "long term, practical and enforceable solution".

Furthermore, their efficacy in averting overlooking of first floor windows in the rear elevation of her dwelling house is questioned.

- Overlooking and overbearing

The size of the proposal relative to its site and context would constitute over development, which would be evident in the overlooking, overshadowing, and overbearing that would ensue. Dwelling house B would be sited only c. 8.7m away from the appellant's dwelling house and so it would be affected in these respects. While the lighting of proposed amenity spaces was quantified by the applicant, the overshadowing of the appellant's rear garden was not. Insofar as such lighting would be limited, the overshadowing of this rear garden is anticipated.

- Other

Details of excavations and how they might affect existing boundary treatments and future planting of boundaries was not submitted.

- Visual impact

In addition to the visual aspects of the proposal cited above, the details of this proposal, not least those measures that would seek to mitigate some of its impacts, would cause it to be visually obtrusive. No design justification has been submitted and so the provisions of CDP Policy QH22 have not been met.

- Residential amenity - occupant

The proposal would fail to afford a satisfactory standard of amenity to future occupants. In this respect, attention is drawn to the following factors:

- The height of the rear boundary fence would result in overshadowing of the proposed gardens.
- The layout of the proposal was not updated in the submitted sunlight analysis and so its findings are inaccurate. Nevertheless, this analysis shows the limited sunlight that would be received by the proposed gardens. Flooding/dampness may be an issue.
- Likewise, daylighting of the proposal would be inadequate, and it would need to be supplemented by artificial lighting. Information on how the first floors would be affected has not been submitted. The provisions of Section 16.10.2 of the CDP with respect to the area of glazing to habitable rooms would not be met.
- The adaptability of the proposal to future changes in the occupants' requirements would be limited.

- Access

Existing overspill on-street parking occurs on the cul-de-sac that would provide access to the site via the applicant's existing residential property. The submitted swept path analysis shows the cul-de-sac without such parking. The corollary of this is that demanding reversing manoeuvres would need to

be made from the site along a cul-de-sac that is frequented by children at play.

The applicant has failed to address how construction phase traffic would be accommodated, including any arrangements for the applicant's own car during the construction phase.

- Other

Contrary to the wording of the description of the proposal, the interdependency of the access arrangements to the site and to the applicant's existing residential property is highlighted. Concern is expressed over the long-term prospects for such interdependency.

No curtailment of exempted development rights was conditioned in the Planning Authority's permission.

The siting of bathroom glazing is questioned.

## 6.2. Applicant Response

The applicant begins by highlighting the suitability of the site for residential development, given its proximity to the city centre and public transport. She refers to supportive CDP policies and she also refers to the comprehensive nature of the case planner's report, which addressed the appellant's concerns. The applicant states that the dwelling houses would be occupied by her adult children and that she therefore has an interest in ensuring that they would afford a satisfactory standard of amenity.

The applicant's barrister responds to the grounds of appeal as follows:

- Principle: The site is effectively a side garden site.
- Architectural design: See the architect's response. Attention is drawn to the appellant's side gate: its authorisation is queried.
- Residential amenity:
  - Overlooking: The proposed dwelling houses would be orientated towards the adjacent cul-de-sac and so no direct overlooking of the appellant's property would occur. Under further information, revisions were made to

reduce further any overlooking. Under Condition No. 10, obscure glazed windows are to be omitted: this is considered to be excessive.

- Overshadowing: The submitted sunlighting and daylighting analysis was accepted by the Planning Authority. The appellant's property lies to the south-west of the site, which represents an optimum location for the avoidance of overshadowing from the proposal.
- Visual impact and occupant's amenity: See the architect's response.
- Access: Attention is drawn to the favourable report of Transportation Planning. Attention is also drawn to the fact that all the dwelling houses in Charlemont are served by one car parking space and that reversing manoeuvres from the same are standard practice.

The applicant's architect responds to the grounds of appeal as follows:

- Site location and context: Under Section 16.10.8, the Planning Authority states that it will "allow for the provision of comprehensive backland development where the opportunity exists."
- Architectural design: The proposal would be in scale and keeping with the pattern of housing at Charlemont, e.g., its eaves and ridge heights would correspond, and its finishing materials would complement. Nevertheless, this proposal would be distinctive insofar as it would respond to the immediate site context and the needs of the prospective future occupants.
- Residential amenity
  - Overlooking: Under further information, the first floor of the proposal was reduced in size and set further back within the site. Furthermore, this proposal would utilise variously permanent shutters and obscure glazing to first floor windows as effective means of mitigating overlooking.
  - Overshadowing: The submitted further information illustrates that excessive overshadowing of the appellants' property would not ensue.
  - Overbearing: The nearest corner of the proposed dwelling house would be 10.05m away from the appellant's single storey rear extension and

13.1m away from her first-floor rear elevation. No undue overbearing effect would ensue.

- Other: The proposal would comply with all relevant legal requirements. Thus, for example, details of excavations and/or boundary treatments can be submitted to the Planning Authority if required.
- Residential amenity – occupant

The submitted proposal would meet all relevant requirements with respect to room sizes, garden areas, and natural lighting.

The sun lighting analysis was based on the original proposal. Insofar as the revised proposal is smaller, sun lighting would improve and overshadowing would be reduced.

Daylighting in rooms would exceed minimum standards, including those specified in Section 16.10.2 of the CDP, and it would be supplemented by artificial lighting as is normal. Specifically, the 20% rule could be met even without the secondary obscure glazed windows in the main bedrooms by means of a supplementary rooflight and in the minor bedrooms with the exclusion of built-in units.

Concerns over flooding/dampness in shady parts of the proposed gardens are misplaced.

Adaptability would be achievable, e.g., the study could become an accessible bedroom in the future.

- Access

The swept path analysis is contained within the public road, i.e., the dished footpath and the wider head to the cul-de-sac all lie within this road. There are no formal on-street parking spaces that need be taken account of.

A construction traffic management can be submitted as required.

### 6.3. Planning Authority Response

None

#### 6.4. **Observations**

None

#### 6.5. **Further Responses**

None

### 7.0 **Assessment**

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

- (i) Land use, zoning, density, and nature of the site,
- (ii) Visual and residential amenity,
- (iii) Development standards,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Appropriate Assessment.

#### **(i) Land use, zoning, density, and nature of the site**

7.2. The minor portion of the site presently forms part of the curtilage to the applicant's residential property at No. 185 Charlemont. The major portion of the site was formerly the southern half of the extensive rear garden to the dwelling house at No. 107 Donnycarney Road. At present, this portion accommodates a domestic shed in its south-western corner. Otherwise, it is a grassed area with no obvious current use.

7.3. Both Charlemont and Donnycarney Road are established residential areas and they are both zoned Z1, sustainable residential communities, in the CDP. Under this zoning, the objective is "To protect, provide and improve residential amenities." Residential use of land is permissible in principle.

7.4. Under Section 5.9 of the Sustainable Residential Development in Urban Areas Guidelines, inner suburban/infill sites are identified as being, in principle, suitable for

development, especially where they are convenient for public transport. The site is located in inner suburbia off Griffith Avenue and, while it lies at the furthest reaches of the Charlemont housing estate, it is still relatively convenient for public transport. These Guidelines set out the following advice:

*In residential areas whose character is established by their density of architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

- 7.5. Under Z1 the CDP's density indicators of plot ratio and site coverage are stated as being 0.5 – 2.0 and 45 – 60%. The proposal would exhibit a plot ratio of 0.6 and a site coverage of 39.20%. Accordingly, the former indicator would come within the stated range and the latter indicator would fall below the stated range. No issue with density under these indicators would thereby arise.
- 7.6. The nature of the site has been debated by the parties. During my site visit, I observed that the site is a hybrid insofar as the minor portion forms part of the applicant's existing front garden, including two parking spaces that are accessed off the end of the adjoining cul-de-sac, while the major portion has the character of a backland site with pedestrian access only being available via the said parking spaces. In these circumstances, I consider that it is appropriate to have regard to the CDP's Sections 16.10.8 & 9, which address both backland sites and corner/side garden sites.
- 7.7. I conclude that, under the CDP's Z1 zoning of the site, there is no in principle land use objection to its development for residential use, the density exhibited by the proposal would *prime facie* be appropriate, and the nature of the site itself would be that of a hybrid combining corner/side garden and backland characteristics.

**(ii) Visual and residential amenity**

- 7.8. At present, the main body of the site is hid behind a wall at the northern end of the head to the adjacent cul-de-sac in Charlemont housing estate. Beyond this site to the north are two storey dwelling houses on Donnycarney Road and forward of it are the applicant's two storey end of terrace dwelling house at No. 185, which faces east/west, and the appellant's two storey semi-detached dwelling house, which faces



north/south. The site itself is elevated above the level of the adjacent cul-de-sac and the adjoining residential properties in Charlemont.

- 7.9. Under the proposal, the main body of the site would be developed to provide a pair of part single/part two storey semi-detached dwelling houses. These dwelling houses would be sited across the northern head to the adjacent cul-de-sac. The site would be lowered to ensure that they would have a similar finished floor level to that of the adjacent dwelling house to the south. Likewise, the eaves lines would be similar. The ridgelines would differ insofar as the proposed ones would be higher, at 37.14m ASL than that at either No. 185 (37m ASL) or No. 186 (35.04 ASL). (The ridgelines of dwelling houses to the north on Donnycarney Road would be higher, e.g., No. 107's is 37.69m ASL).
- 7.10. As originally submitted, the proposed dwelling houses would have presented to the head of the cul-de-sac as being of two storey form. Under further information, they were revised by means of a setback to the first floor behind the line of a combined covered front entrance at ground floor, in a bid to ease their relationship with Nos. 185 & 186. Consequently, their principal elevations would present as being graduated. Finishing materials would acknowledge this graduation, too, with brick being specified at ground level and light grey render at first floor level. These materials would acknowledge the use of brick in Charlemont and the use of light grey render on Donnycarney Road.
- 7.11. The appellant has expressed concern that the proposal would be out of character with the existing Charlemont housing estate. The applicant has responded by drawing attention to the similar scale and height of the proposal to existing dwelling houses in this estate. She also recognises that some divergence is necessitated by the constraints of the site. I consider that the design approach exhibited by the proposal would transition well between the differing reference points provided by existing dwelling houses to the north and south. Accordingly, it would match neither, but it would acknowledge both.
- 7.12. The appellant is particularly concerned that the proposal would adversely affect the amenities of her residential property in terms of being overbearing and it would lead to overshadowing and overlooking. The applicant has responded to each of these specific items as follows:

- 7.13. As revised, the nearest dwelling house would be dwelling house B. Its south-western corner at first floor level would be 13.10m away from the north-eastern corner of the appellant's dwelling house at No. 106 on a roughly north north-east/south south-west line. Accordingly, the proposed front elevation would be offset from the existing rear elevation. While no direct correspondence would arise, the presence of the first floor would be evident. Likewise, north-eastern views from the appellant's single storey rear extension and rear garden would feature the first floor of dwelling house B. The applicant considers that the ensuing relationship would not be overbearing.
- 7.14. I recognise that the outlook from the rear of the applicant's residential property would change and that the existing relatively open aspect would be encroached upon. However, such encroachment would be offset and largely to the north-east and so I do not consider that it would be excessive. Accordingly, I do not judge that the proposal would be unduly overbearing.
- 7.15. The proposed dwelling house B would be sited to the north north-east through to the north-east of No. 186 and so any overshadowing would be confined to the very early morning. The applicant comments to the effect that the orientation in view here is a propitious one. I concur.
- 7.16. Under further information, the applicant was asked to address the issue of overlooking from first floor windows to the side and rear of the proposed dwelling houses. As originally submitted, a secondary bedroom window in each of the side elevations would have been accompanied by shutters or blinkers and clear glazing would have been specified. As revised, the blinkers would be omitted, and opaque glazing would be specified. Under Condition No. 10(a), the Planning Authority requires that these windows be omitted in their entirety. The applicant has expressed the view that this would be excessive. I agree. Instead, they should be respecified as high-level windows with opaque glazing. Under Condition No. 10(b), the Planning Authority requires that the opaque windows in the rear elevation would have top hung openers only. I agree.
- 7.17. The appellant draws attention to the Planning Authority's request for further information, which did not ask the applicant to address overlooking from the primary bedroom windows in the principal elevations of the proposed dwelling houses. She is concerned that, notwithstanding the proposed use of shutters or blinkers to

constraint the outlooks from these windows, they would correspond with a bathroom and a bedroom window in the rear elevation of her dwelling house. She is also concerned that the blinkers would not last. The applicant is confident that such correspondence would not arise and that the blinkers are a workable solution.

7.18. I note that the effect of setting back the first floors to the proposed dwelling houses is such that the originally envisaged diagonal relationship between the bedroom windows in dwelling house B and the first-floor windows in the rear elevation to No. 186 would become marginally less acute. This relationship would entail a slightly increased correspondence with the bathroom window, but still no correspondence with the bedroom window. This increase should be reversed by setting the glazing in these windows flush with the internal wall, i.e., eliminating the internal reveal.

7.19. I note, too, that the applicant's solution to neighbour privacy hinges on the blinkers remaining in-situ. The appellant questions whether this would be enforceable. I consider that it would be analogous to the typical scenario wherein opaque glazing is conditioned in perpetuity. Accordingly, the blinkers should be conditioned in a similar manner.

7.20. I conclude that the proposal would be compatible with the visual amenities of the area. I, likewise, conclude that it would, subject to certain fine tuning of first floor windows, be compatible with the residential amenities of the area.

### **(iii) Development standards**

7.21. Under the proposal, a pair of part single/part two storey semi-detached dwelling houses would be constructed. Each of these dwelling houses would afford two-bed/four-person accommodation over a floorspace of 118.6 sqm. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, this total proposed floorspace and its disaggregation between living and bedroom accommodation would exceed the minimum recommended areas cited.

7.22. Each of the dwelling houses would be served by a side garden to either the east or to the west. Dwelling house A would have 72.5 sqm and dwelling house B would have 66.5 sqm. Under Section 16.10.2 of the CDP, a minimum of 10 sqm of private open space per bedspace is cited. Rear gardens are envisaged as having areas of between 60 and 70 sqm. These standards would be either met or exceeded by the proposal. While the dwelling houses would be served by side gardens rather than

rear ones, the main body of the site was formerly the southern and central portions of a generous rear garden to No. 107 Donnycarney Road and so these gardens would afford reasonable levels of privacy.

7.23. The proposed dwelling houses would be orientated on a roughly north/south axis. At ground floor level they would span the depth of the main body of the site.

Consequently, the majority of ground floor habitable room openings would face onto their respective side gardens. The primary first floor habitable room openings would be in the principal southern elevation looking down the head of the adjacent cul-de-sac.

7.24. Under further information, the applicant addressed the lighting of both the side gardens to and the ground floors of the proposed dwelling houses. Under the BRE document entitled "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice", the recommended daily hours of sunlight for the equinox and the recommended Average Daylight Factor (ADF) for the ground floor habitable rooms would be exceeded for both dwelling houses. In relation to the former, a minimum of 2 hours is recommended: the side gardens to dwelling houses A & B would have 2.99 and 2.84 hours respectively. In relation to the latter, a minimum of 2% is recommended: the living space of dwelling houses A & B would have 3.23 and 2.66%.

7.25. The appellant draws attention to the fact that the applicant's lighting assessment is based on the original proposal. The applicant has responded by stating that, insofar as the revised proposal would be slightly smaller than the original, the findings of this assessment would be exceeded, were it to be assessed separately.

7.26. The appellant also draws attention to Condition No. 10(a), which would make lighting and ventilation requirements under the Building Regulations difficult to achieve. The applicant responds to the effect that supplementary rooflights would facilitate compliance. Alternatively, the high-level windows referred to under the second heading of my assessment would facilitate compliance. The parties further debate the question of adaptability with the study being identified as a possible future ground floor bedroom.

7.27. I conclude that under quantitative and qualitative standards the proposed dwelling houses would comply with development standards. They would, therefore, afford a satisfactory standard of amenity to future occupiers.

**(iv) Traffic, access, and parking**

7.28. The proposal would entail the provision of two additional dwelling houses, which would be accessed via the existing Charlemont housing estate. The traffic generated by two new households would be capable of being accommodated on the spine road through this housing estate and, in terms of overall traffic volumes on this road, it would represent an insignificant addition.

7.29. Under the proposal, the on-site access and parking arrangements to the applicant's existing dwelling house would be reassigned to provide an individual space for each of the households in front of the western dwelling house, denoted as B. The southern portion of the applicant's existing front garden would be laid out to provide a replacement car parking space for her continuing use. Access to these spaces would be off the northern end of the head of the cul-de-sac. Under further information, the applicant submitted a swept path analysis for each of the parking spaces, which demonstrates that they could be accessed/egressed satisfactorily.

7.30. Under the CDP, the site is shown as lying within Area 3 for car parking purposes and so each new dwelling house should be served by a maximum of 1.5 spaces. Under the proposal the existing and proposed dwelling houses would be served by 1 space each. During my site visit, I observed that existing dwelling houses in Charlemont tend to have drive-ins that can accommodate 1 space only. A pattern of supplementary reliance upon on-street parking has thus emerged. In these circumstances, I do not consider that it would be reasonable to object to the level of parking provision now proposed.

7.31. The appellant expresses concern that the proposal would lead to reversing manoeuvres on the adjoining head to the cul-de-sac where children tend to play. She also expresses concern over traffic generation during any construction phase. The applicant has responded by stating that such reversing manoeuvres are a commonplace in Charlemont, indeed, insofar as 2 of the 3 spaces would effectively be reassigned, they occur at present. She also states that a construction traffic

management plan could be prepared if required to address the construction phase of the proposal.

- 7.32. I note that the proposed siting of the 2 spaces for both new dwelling houses in front of dwelling house B would be unorthodox. However, the design of these dwelling houses would entail the provision of covered entrances across their front elevations with openings that would correspond with narrow study room windows only. The potential dis-amenity to dwelling house B of having a space serving dwelling house A forward of it would thereby be allayed. I note, too, that the access to the new parking space to the applicant's dwelling house would depend on a disciplined use of the reassigned parking spaces. Such discipline should be promoted by their finishing materials and/or formal lining of these spaces.
- 7.33. I conclude that traffic generated by the proposal would be capable of being accommodated satisfactorily on the existing public road network and that proposed access and parking arrangements would not warrant objection.

#### **(v) Water**

- 7.34. Under the proposal, new connections to the public water mains and the public foul and stormwater sewerage system would be made. SuDS methodologies would be incorporated, e.g., permeable paving to the proposed car parking spaces and the use of water butts.
- 7.35. The OPW's flood maps do not indicate that the site is the subject of any identified flood risk.
- 7.36. The appellant expresses concern over the possibility of dampness/flooding in shaded portions of the side gardens. The applicant states that this concern is misplaced. I do not consider that the proposal would pose any exceptional challenges in this respect, and the use of water butts and the judicious planting of these gardens would satisfactorily mitigate any concern.
- 7.37. Under the proposal, no water issues would arise.

#### **(vi) Appropriate Assessment**

- 7.38. The site is not in or beside any European site. It is a fully serviced inner suburban site. Under the proposal, a pair of semi-detached dwelling houses would be built on this site. No Appropriate Assessment issues would arise.

7.39. 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 granted.

## 9.0 Reasons and Considerations

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Quality Housing for Sustainable Communities: Best Practice Guidelines, and the Dublin City Development Plan 2016 – 2022, it is considered that the proposal would be of an appropriate density, and it would fulfil the Z1 zoning objective for the site. This proposal would, subject to conditions, be compatible with the visual and residential amenities of the area and it would provide a satisfactory standard of amenity to future occupiers. Traffic generation would be capable of being accommodated on the public road network and access and parking arrangements would be satisfactory. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord 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, as amended by the further plans and particulars dated the 24 <sup>th</sup> March 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.
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	<b>Reason:</b> In the interest of clarity.
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The bedroom windows in the side elevations of the dwelling houses shall be high-level windows. They shall be glazed in opaque glazing and such glazing shall be retained in-situ for the duration of the dwelling houses.</p> <p>(b) The bathroom windows in the rear elevations of the dwelling houses shall be top-hung windows. They shall be glazed in opaque glazing and such glazing shall be retained in-situ for the duration of the dwelling houses.</p> <p>(c) The bedroom windows in the front elevation of the dwelling house B shall have glazing installed on the inside of their openings, i.e., flush with the internal wall to eliminate any internal reveal.</p> <p>(d) The proposed parking spaces in front of dwelling house B shall be clearly denoted as such by means of their surface materials and/or formal lining.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of the area and to promote the use of the parking spaces as such.</p>
3.	<p>Prior to the commencement of occupation of the dwelling houses, the proposed shutters for the bedroom windows in their front elevations shall be installed in a permanently open position at right angles to the front plane of these elevations. These shutters shall remain in-situ in a permanently open position for the duration of the dwelling houses.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of the area.</p>
4.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed dwelling houses, including the bedroom window shutters, and all the external finishes to accompanying surfaces shall be submitted to,</p>



	<p>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>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>(a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>(b) The construction of the development shall be managed in accordance with a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>

9.	<p>Proposals for a house naming and numbering scheme 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 interests of urban legibility.</p>
10.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed mews dwelling without a prior grant of planning permission.</p> <p><b>Reason:</b> In order to afford the Planning Authority the opportunity to control any future development in the interests residential amenity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of €22,314 (twenty-two thousand three hundred and fourteen euro) 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.</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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Hugh D. Morrison  
Planning Inspector

14<sup>th</sup> November 2022