



An
Bord
Pleanála

Inspector's Report ABP-313650-22

Development	Demolition of existing outbuildings and side extension to house, construction of a two storey, three-bed, detached house, revised access and parking arrangements for the existing and propose houses.
Location	31 Dunluce Road, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3471/22
Applicant(s)	Aine Nic an Riogh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Aine Nic an Riogh
Observer(s)	None
Date of Site Inspection	6 th October 2022
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. National Planning Guidelines	5
5.2. Development Plan.....	5
5.3. Natural Heritage Designations	6
5.4. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	9
6.3. Observations	9
6.4. Further Responses.....	9
7.0 Assessment.....	9
8.0 Recommendation.....	14
9.0 Reasons and Considerations.....	15

1.0 Site Location and Description

- 1.1. The site is located on the northern side of the western portion of Dunluce Road, which forms a junction at its extremity with Castle Avenue and Howth Road (R105). The retail and communal centre of Killester lies further to the west along Howth Road. Dunluce Road is a residential street composed of two storey red brick dwelling houses, which were built in the 1930s. The vast majority of these dwelling houses are terraced, which are interspersed with the occasional pair of semi-detached and detached dwelling houses that are typically laid out around junctions.
- 1.2. The site lies in the north-eastern corner of a junction on Dunluce Road between its main drag and an attendant short cul-de-sac to the north. This site is of regular shape, and it extends over an area of 408 sqm. The site presently accommodates a two-storey end-of-terrace dwelling house with a front porch, a single storey side extension, and a single storey return. This dwelling house is served by a freestanding outbuilding to the rear of the return, which comprises a garage and two sheds. It is also served by front/side and rear gardens. Pedestrian access is from the front and vehicular access is from the side. Roadside boundaries and returned boundaries to the front and side are enclosed by means of railings and hedgerows.

2.0 Proposed Development

- 2.1. The proposal would comprise the following elements:
 - The demolition of the side extension (19 sqm) to the dwelling house and the outbuilding (16 sqm) to the rear,
 - The construction of a two storey, three-bed, detached dwelling house to the side of the existing dwelling house,
 - The widening of the front pedestrian gate to create a new vehicular entrance and one parking space to serve the existing dwelling house, and
 - The formation of a new side pedestrian gate and the widening of the vehicular entrance to the side and the provision of a parking space.

Under the proposal, 103 sqm would be retained and 126 sqm of floorspace would be added to the site.

2.2. At the appeal stage, revised plans of the proposal have been submitted. These show a reduction in the height of the ground floor window in the front elevation, the specification of a pitched and fully hipped roof to the first-floor return instead of a flat roof, and the substitution of burnt larch louvre panelling for hit and miss brick screens to the ground floor return. They also show the use of the parking space as a paved private amenity space.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

Having regard to the restricted nature and prominent location of this corner site, it is considered that the proposed development, by reason of its scale, form and design, would constitute overdevelopment of a limited site area, would significantly breach the established building line along Dunluce Road, would be visually obtrusive on the streetscape of Dunluce Road and would result in substandard private amenity space for the future occupants of the proposed dwelling. The proposed development would therefore be contrary to 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

See reason for refusal.

3.2.2. Other Technical Reports

- Dublin City Council:
 - Drainage: No objection, standard drainage advice given.
 - Transportation Planning: No objection, standard access advice given.

4.0 Planning History

- 4092/81: Single storey side extension: Permitted.

- 0082/22: SHEC granted to shadow current proposal.

5.0 Policy and Context

5.1. National Planning Guidelines

- 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.”

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 private open space as follows:

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...

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**

Dunluce Road is a mature street of red brick houses, which were built in the 1930s. Many of these houses have been altered or extended in the intervening years and

infill developments have been added. The site is in a corner position and its development as proposed would represent an efficient use of land.

The applicant has submitted photographs of development on Dunluce Road and Dunseverick Road. These photographs are categorised under the following headings: (a) similar typology to the proposal, (b) breaking the established building line, (c) contemporary design, and (d) illustrating the general character and typology of Dunluce Road.

The applicant responds to each element of the reason for refusal as follows:

- By reason of its scale, form and design would constitute overdevelopment of a limited site:
 - The scale of the proposal would be similar to existing dwelling houses, e.g., its roof and windows would align, and the depth of its two-storey form would replicate that of the applicant's existing dwelling house. Likewise, the proposal's part two storey/part one storey massing would be similar to existing dwelling houses that have been extended.
 - The proposal would not constitute over development insofar as it would exhibit plot and site coverage factors of 0.56 and 32%, which would be either within or below the relevant ranges for Z1 sites.
 - The case planner signals that an attached dwelling house rather than the proposed detached dwelling house would be appropriate in principle on the site. However, the proposal maintains the amenities of the existing dwelling house in a manner that a detached one would fail to do, e.g., access to the side would be retained facilitating movement from the front to the rear of this dwelling house. Attention is drawn to the submitted photographs that depict examples of detached dwelling houses on Dunluce and Dunseverick Roads.
- Would significantly breach the established building line along Dunluce Road:
 - The front building line of the proposal would respect the established front building line of the adjacent terrace to the east, except for the nominal encroachment of the bay window.

- While the proposal would step beyond the front building line of the adjacent terrace to the north, the corresponding front building line on the opposite side of the cul-de-sac in question has been breached by a two-storey side extension to the dwelling house at No. 11 Dunluce Road. This extension is depicted in the submitted photographs, as are examples of new dwelling houses that are similarly sited. Some of these exhibit designs that differ from dwelling houses within their vicinity.
- Would be visually obtrusive on the streetscape of Dunluce Road:
 - The site may be the last remaining end of terrace one to be developed on Dunluce Road. Its position on a concave curve of this Road means that the proposal would not impact on the line of vision.
 - Attention is drawn to the alterations and extensions to existing dwelling houses and the addition of new ones within the streetscape of Dunluce Road. The proposal would continue this trend of modernisation in a manner that would be sympathetic to the original character of the Road. Attention is also drawn to PL29N.247473: permission was granted for a detached dwelling house of striking contemporary design, which was judged to be an appropriate design response to the infill site in question. The current proposal would, likewise, be appropriate.
- Would result in substandard private amenity space for the future occupants of the proposal:
 - Attention is drawn to the applicant's current use of her residential existing property. Thus, to the rear of her dwelling house is a courtyard and outbuildings and parking occurs to the rear of the application site. The south facing front and side gardens are enclosed by a mature hedgerow and so they are used as outdoor amenity space. Under the proposal, the outbuildings would be demolished to reinstate a rear garden to the existing dwelling house and the land to the front of the proposed dwelling house would be laid out as a garden enclosed by the existing hedgerow. A supplementary patio would be provided to the rear in conjunction with the retained parking. Alternatively, the parking could be omitted in favour

of a larger area of outdoor amenity space (cf. the revised site plan on drawing no. 221029-101 (revision A1)).

- Attention is also drawn to the wording of Section 16.10.2 of the CDP, which states that private open space is “usually” provided to the rear or side of a house rather than it must be or it can only be.

The applicant concludes by summarising the revisions to the proposal, which she has made at the appeal stage, i.e., the above cited additional rear garden space, the omission of black/burnt larch with brick and hit and miss brick screens, the omission of the flat roof to the rear in favour of a pitched one, and the specification of ground floor front windows with heads and cills that line through with existing windows.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **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), relevant planning history, 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 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 residential street 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 part single storey/part two-storey detached dwelling house would afford three-bed/five-person accommodation over a floorspace of 126 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.
- 7.5. Qualitatively, the proposed dwelling house would be orientated on a north/south axis. Internal lighting would benefit from glazed openings in the western side elevation to the adjacent cul-de-sac and roof lights in the main eastern roof plane.
- 7.6. The Planning Authority's reason for refusal refers to sub-standard private amenity space, i.e., a 14.3 sqm rear patio. The applicant has responded by stating that, while Section 16.10.2 of the CDP anticipates that private amenity space will usually be provided to the rear of dwelling houses, this is not always so. She states that the mature hedgerow that encloses the existing front/side boundaries of the site means that the existing front/side gardens can be and are presently used as private amenity space.
- 7.7. Under CDP standards, a minimum of 10 sqm of private amenity space for each proposed bedspace is normally required, i.e., 50 sqm in the case of the proposed 5-bedspace dwelling house. Under the proposal, a 58 sqm front garden would be provided with a retained hedgerow boundary to the roadside. At the appeal stage, the applicant has stated that the proposed car parking space could be amalgamated with the proposed rear patio to provide a paved area of 44 sqm of private amenity space to the rear of the new dwelling house.
- 7.8. During my site visit, I observed that the site is a typical suburban corner house plot with a front/side garden that laps around the existing side extension, and which is

enclosed by means of a hedgerow. Partial views into this garden are available across the existing pedestrian and vehicular access points to the site. By contrast, the existing rear garden is hid from view behind a wall that runs between the return and the outbuilding to the rear of the existing dwelling house.

- 7.9. Under the proposal, the front garden would be sub-divided by means of a new 1.5m structure and the northern boundary with No. 29 Dunluce Road would be enclosed by means of 1.2m high railings. I consider that, while the proposed front garden would be largely screened from view, its position adjacent to the street corner would militate against its privacy. I also consider that the proposed paved area would be visible from the street. Neither spaces would provide privacy levels comparable to those afforded by the applicant's existing/proposed rear garden.
- 7.10. I conclude that the proposal would be acceptable in principle from a land use perspective, but that it would fail to provide a satisfactory standard of private amenity space for future occupiers.

(ii) Visual and residential amenity

- 7.11. 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.
- 7.12. Under the proposal, the main body of the new dwelling house would be sited to the side of the applicant's existing dwelling house in a position whereby its front and rear elevations would coincide with the front and rear building lines of this dwelling house and, by extension, the terrace of which it is part. (The single storey element to the rear of this dwelling house and its two-storey return would extend beyond the rear building line). By contrast, the entire new dwelling house would be sited beyond the front building line established by the terrace of three dwelling houses on the cul-de-sac to the north of the site, i.e., Nos. 25, 27 & 29 Dunluce Road.
- 7.13. The site lies within the north-eastern corner formed by the junction between the main drag of Dunluce Road and a short cul-de-sac on its northern side. In the opposite north-western corner of this junction, the two-storey end-of-terrace dwelling house at No. 11 Dunluce Road has a two-storey side extension to its side and a side/rear

garden that is enclosed by means of a 1.5m high wall to the roadside, which is returned along the common boundary with the residential property at No. 13 Dunluce Road. The eastern side elevation of this extension is sited c. 3.4m back from the adjacent public footpath.

7.14. Under the proposal, the main body of the new dwelling house would be sited a minimum of 1m back from its adjacent public footpath and the single storey element to the side would be sited a minimum of 0.8m back. The proximity of this proposal to the actual roadside would mean that the presence of built form on its side of the entrance to the cul-de-sac would be significantly tighter than on the other side.

7.15. In the light of the foregoing, the case planner suggested that, subject to the resolution of several other issues, any proposed dwelling house should be attached rather than detached. The applicant has responded to this suggestion by drawing attention to the practical need to be able, under the proposal, to access/egress the rear of the applicant's existing dwelling house. She also draws attention to examples of other detached dwelling houses in corner sites in the locality.

7.16. I am not persuaded by the applicant's response insofar as the practical need could *prima facie* be met, under the proposal, by either a dedicated pathway along the northern boundary of the site to and from the existing rear garden or a discrete bin shed in the retained front garden. I have examined the examples cited by the applicant. Inevitably circumstances differ between sites and so the establishment of direct comparability is fraught. Such circumstances diverge, especially, in the example that the Board decided upon, i.e., PL29N.247473.

7.17. The Planning Authority's reason for refusal critiques the proposal on the grounds of visual obtrusion and overdevelopment of the site.

- The first of these grounds relates to the original proposal. It stems from the detached form of the dwelling house and its distinctive roofscape within the context of the site, which would serve to draw attention to its detached form. At the appeal stage, this roofscape has been revised. While this revision achieves a greater design coherence, it does not reduce its distinctiveness and hence the very evident detached form of the dwelling house.
- The second of these grounds relates to quantifiable factors that indicate over development. Thus, the applicant draws attention to the plot ratio and site

coverage factors that would either come within or fall below the ranges deemed appropriate for Z1 zoned sites.

I consider that the siting, detached form, and distinctive roofscape of the proposal would cause it to appear visually obtrusive and intrusive within its streetscape context. From the main drag of Dunluce Road, its visual intrusiveness would be evident and from the cul-de-sac both its visual obtrusiveness and intrusiveness would be evident.

7.18. I consider that a combination of the orientations and separation distances between the proposed dwelling house and the nearest one to the north at No. 29 Dunluce Road would be adequate to ensure that this dwelling house would be compatible with residential amenity. Likewise, the amenities of the applicant's existing dwelling house would, under the proposal, be safeguarded.

7.19. I conclude that the proposal would be visually obtrusive and intrusive and so it would not be compatible with the visual amenities of the area.

(iii) Access

7.20. Under the proposal, the existing pedestrian access to the front of the applicant's dwelling house would be widened to provide a new vehicular access in conjunction with the provision of a parking space. A new pedestrian access would be formed in the side boundary of the site to serve the front door to the proposed dwelling house, which would be sited in a recessed single storey element on the western side of the two-storey element. The existing vehicular access would be widened to 2.75m and an existing parking space would be retained to serve the new dwelling house.

7.21. At the appeal stage, the applicant cited the option of re-specifying the retained existing parking space as an enlarged paved area for use as private amenity space. Under CDP standards, the site lies in Area 2 for car parking purposes, wherein each new dwelling should be accompanied by a maximum of 1 off-street car parking space. The proposal, as originally submitted, would comply with this standard. I consider that such compliance is of importance within the context of Dunluce Road, where pressure on finite on-street parking spaces was evident during my site visit.

7.22. I conclude that the access arrangements for the site, as originally proposed, would be satisfactory.

(iv) Water

- 7.23. 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 and stormwater sewerage system. While SuDS methodologies have not been specified, if the Board is minded to grant, such methodologies could be the subject of a condition.
- 7.24. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.
- 7.25. I conclude that, under the proposal, no water issues would arise.

(v) Appropriate Assessment

- 7.26. 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. No Appropriate Assessment issues would arise.
- 7.27. 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

- 8.1. That permission be refused.

9.0 Reasons and Considerations

1. 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 roadway of the cul-de-sac and wholly forward of the established front building line exhibited by the dwelling houses to the north of the site, 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 streetscape. 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.
2. Having regard to Section 16.10.2 of Dublin City Development Plan 2016 – 2022, it is considered that the private open space that would accompany the proposed dwelling house would afford insufficient privacy to provide an acceptable standard of amenity to future occupiers. Consequently, this open space would contravene Section 16.10.2 of the Development Plan and it would, therefore, fail to accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

24th October 2022