



An
Bord
Pleanála

Inspector's Report ABP-313837-22

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| Development | Demolition of existing rear extension, canopy, and detached garage. Construction of single storey, one-bed, detached dwelling to the rear and revised access and parking arrangements. |
| Location | 34 Ratra Park, Navan Road, Dublin 7 |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3601/22 |
| Applicant(s) | Gavan Molloy & Laura Ryan |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party -v- Decision |
| Appellant(s) | Gavan Molloy & Laura Ryan |
| Observer(s) | None |
| Date of Site Inspection | 3 rd October 2022 |
| Inspector | Hugh D. Morrison |

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1.0 Site Location and Description

- 1.1. The site is located on the north-western corner of the junction between Conor Clune Road and Ratra Park, two established residential streets composed of two-storey terraced dwelling houses. These streets lie to the west of Baggot Road, which runs between Blackhorse Avenue (R806) and Navan Road (R147).
- 1.2. The site itself is of elongated form and rectangular shape. It extends over an area of 270 sqm and it presently accommodates a two-storey end-of-terrace dwelling house with a single storey rear extension and a freestanding garage at the foot of its rear garden. Additionally, this dwelling house is served by a front/side garden, and it has a pedestrian access to the front off Ratra Park and a vehicular access to the side off Conor Clune Road, i.e., this access corresponds to the front of the single garage.

2.0 Proposed Development

- 2.1. The proposal would entail the following elements:
 - The demolition of the existing single storey rear extension and an accompanying canopy, and the freestanding single garage on the site.
 - The construction of a new single storey detached dwelling partially on the site of the garage. This dwelling would provide one-bed/two-person accommodation.
 - The proposed dwelling would be served by a pedestrian access from Conor Clune Road. The existing dwelling would be served by an access that would be widened from a pedestrian one to a vehicular one. This widened access would serve 2 car parking spaces, 1 for the existing and 1 for the proposed dwelling.
 - The existing side garden would be dedicated to the proposed dwelling.
- 2.2. Under the proposal, 88 sqm would be retained, 40 sqm would be demolished, and 44.7 sqm would be added.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. *Having regard to the narrow width, shallow depth and orientation of the application site and the proposed positioning of a dwelling on the party boundary with No. 32 Ratra Park, which is positioned north of the site, and to the inadequate quantum of private open space proposed to serve the host dwelling (No. 34 Ratra Park), it is considered that the proposed development would constitute over-development of the site and detract from the amenities of adjacent property by reason of overbearance, excessive overshadowing and undue overlooking. The proposed development would, therefore, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, by reason of its layout and its proximity to the northern, southern and eastern boundaries of the site would result in a constrained development with unsatisfactory levels of residential amenity for future occupants of the dwelling and would be out of character with the pattern of development of the area. The proposed development would, therefore, be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision

3.2.2. Other Technical Reports

- Dublin City Council
 - Drainage: No objection: Standard advice given.
 - Transportation Planning: No objection, subject to conditions.

4.0 Planning History

0101/22: SHEC granted to shadow the 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.”

Section 16.10.10 of the CDP addresses infill housing, as follows:

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed. Infill housing should:

- *Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.*
- *Comply with the appropriate minimum habitable room sizes.*
- *Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.*

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 0.0270 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

- Character of the area

The two-storey character of the area is acknowledged. A single storey dwelling is proposed to mitigate overbearance, any perception of over development, and the potential break in the building line between 34 Ratra Park and 2 Conor Clune Road.

Precedence for single storey dwellings exists in the Navan Road area in the following locations:

- 20 Villa Park Road: Permitted under 0948/94,
- 254 Navan Road: Permitted under 1066/94 & PL29.N094172, and
- 1 Glendu Road: Permitted under 2417/04 & PL29N.209365.

- Private open space

Exception is taken to the Planning Authority's critique of the proposed private open space for the new dwelling. Attention is drawn to the width of this space, which would range between 3.4m and 3.8m, its southerly aspect, and its

functional shape. This space would be enclosed by a 1.8m high wall, which would not lead to significant overshadowing.

The 800mm clearance distance between the windows in the eastern elevation of the proposed dwelling and the 1.8m high wall to the residual rear garden to the host dwelling at 34 Ratra Park would ensure that neighbour privacy is protected by the negation of overlooking.

The residual rear garden would be 25 sqm in area, i.e., the minimum required under the Planning and Development Regulations 2001 (as amended) in exempted development situations.

- Impact on neighbouring properties

Attention is drawn to the single storey rear extension at No. 32 Ratra Park, which would have a similar height to the proposed dwelling. This extension is not considered to be overbearing on the garden to No. 34 Ratra Park and so why would the new dwelling be with its pitched roof sloping away from this garden? Indeed, the two-storey dwelling house at No. 2 Conor Clune Road is far more overbearing than this dwelling would be.

As described above overlooking would not be an issue. Overshadowing would be limited and the rear garden to No. 34 Ratra Park would have a southerly aspect.

The applicants acknowledge that the site is tight. However, their design approach has responded well to the resulting constraints and, in light of the housing shortage and the contribution that infill sites can make to easing this shortage, they request that the Board overturns the Planning Authority's decision.

6.2. Planning Authority Response

If the Board is minded to grant, then a Section 48 levy is requested.

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, 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, residential standards, and household amenity,
- (ii) Visual and residential amenity,
- (iii) Access and parking,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Land use, residential standards, and household amenity

7.2. Under the CDP, the site lies within an area that is zoned Z1, sustainable residential communities. Within this zone, residential use is permissible in principle. Under Section 16.10.10 of the CDP, infill housing is promoted where appropriate in the interests of the sustainable use of land and existing urban infrastructure.

Accordingly, there is no in principle objection on land use grounds to the proposal.

7.3. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, quantifiable residential standards for single storey one-bed/two-person dwellings are set out. The proposed dwelling would meet these standards.

7.4. Qualitatively, the proposed dwelling would have habitable room openings in its southern and eastern elevations and rooflights in its western roof plane. However, the majority of these openings would be 0.8m away from 1.8m high boundary walls and so their potential lighting would be curtailed by overshadowing. By the same token, outlooks from these openings would be limited. Windows in the eastern elevation would be 5.3m away from the original/restored rear elevation of the existing dwelling house. The intervening boundary wall to the retained rear garden to this

dwelling house would prevent overlooking from ground floor windows in this elevation and largely prevent overlooking from the first floor bedroom window.

- 7.5. The proposed dwelling house would be served by the side garden to the existing dwelling house. This garden is of rectangular shape, and it extends over an area of 51 sqm. It would adjoin the south-eastern corner of this dwelling house and extend eastwards between the southern side elevation to the existing dwelling house and the roadside boundary. At present this boundary comprises a low plinth wall with railings above (combined height of 1m). Under the proposal, this boundary treatment would be largely replaced by a 1.8m high wall, which would be returned along the front building line of the existing dwelling house. This wall would prevent overlooking of the side garden from the street. Nevertheless, the amenity value of the garden would be curtailed to a degree by overshadowing from the heightened wall and by its streetside location.
- 7.6. I conclude that, under the CDP, there is no in principle objection to the proposal. I conclude, too, that, while quantitatively the proposed dwelling would be acceptable, qualitatively it would fail to provide an acceptable standard of amenity for future occupiers.

(ii) Visual and residential amenity

- 7.7. The proposed dwelling house would replace an existing garage at the western end of the site. The western side and northern rear elevations of this garage variously abut a rear lane and a boundary wall to the rear garden at No. 32 Ratra Park. It has a mono-pitched roof, which falls at a gentle gradient from a height of 2.45m in an easterly direction. The front of the garage is aligned with the side building line of the applicant's existing dwelling house.
- 7.8. The proposed dwelling house (gross internal area 44 sqm) would have a larger footprint than the existing single garage (gross internal area 14.87 sqm). It would have a double pitched roof with eaves and ridge heights of 2.6m and 4.065m, respectively. The southern and eastern portions of this dwelling house would extend closer to the street and the existing dwelling house than the garage does at present. Consequently, the line of the eastern elevation would overlap with the line of the western elevation to the single storey extension to the dwelling house at No. 32 to

the north-east and the line of the southern elevation would extend beyond the existing side building by 3m.

- 7.9. The proposed dwelling house would be detached and of single storey form. Its front elevation would present to the street as a gabled elevation and its design and appearance would be somewhat utilitarian. While the dwelling house would be ancillary in scale to adjacent dwelling houses, its forward siting would ensure that it would be highly visible within the streetscape, along with the revised boundary treatment discussed under the first heading of my assessment.
- 7.10. The western elevation of the proposed dwelling house would protrude above the walls that enclose the passageway between the site and No. 2 Conor Clune Road. The outlooks from the nearest openings in the front elevation of the dwelling house at No. 2 would thus be encroached upon. The northern elevation would clearly protrude above the boundary wall to the rear garden at No. 32 Ratra Road. The immediately adjacent glazed opening in the western elevation of the single storey rear extension at No. 32 would be affected by this northern elevation in terms of its overbearing presence, loss of outlook, and increased overshadowing.
- 7.11. I conclude that the proposal would be incompatible with the visual and residential amenities of the area.

(iii) Access and parking

- 7.12. At present the site is served by a gated pedestrian access to the front off Ratra Park and a gated vehicular access to the site off Conor Clune Road, which corresponds with a single garage. The dwelling house on the site is served by a continuous front/side garden, which extends to the paved area in front of the garage. The rear garden is enclosed and a pedestrian gate in the southern boundary fence connects it to the paved area.
- 7.13. Under the proposal, the garage would be demolished, and a new dwelling would be constructed in its place. The existing gated vehicular access would be closed and replaced by a gated pedestrian access. The existing gated pedestrian access would be widened to provide a new 3.5m wide gated vehicular access, which would serve a permeable paved area capable of accommodating 2 parked cars. The pedestrian gate in the southern boundary to the rear garden would be stopped-up.

- 7.14. Under the CDP, the site lies within Area 3 for car parking purposes and so a maximum of 1.5 spaces should accompany new dwellings. Under the proposal, 1 space would be dedicated to the existing dwelling and 1 space would be dedicated to the proposed dwelling. I note that at present the garage on the site affords space for 1 car to park off-street. I note, too, that, while the provision of a net addition of 1 car parking space would fall short of the stated maximum, the locality is well served by public transport, e.g., multiple bus routes on the Navan Road and the newly opened Pelletstown Railway Station on the Maynooth line. In these circumstances, I consider that the level of parking provision would be acceptable.
- 7.15. Under the Planning Authority's leaflet "Parking cars in front gardens", vehicular entrances should be between 2.5m and 3.6m. At 3.5m, the proposed width of vehicular entrance would be towards the upper end of this range for which "exceptional circumstances" need to exist. None have been cited by the applicant or the Planning Authority and so, if the Board is minded to grant, then this width should be reduced to 3m.
- 7.16. The proposal is generally for a self-contained additional dwelling on the site. The shared parking area would depart from this pattern. Elsewhere, its requirements would result in the retained rear garden becoming "landlocked" with the stopping-up of the existing pedestrian gate in its southern boundary. Consequently, bin storage would be likely to be decanted to the front of the existing dwelling house.
- 7.17. I conclude that the proposed access arrangements would be acceptable provided the new vehicular entrance is 3m in width. I conclude that the proposed off-street parking provision would, likewise, be acceptable.

(iv) Water

- 7.18. The site is served by the public mains water supply and a combined public foul and stormwater sewer. 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 sewer.
- 7.19. Under the proposal, water conservation measures, e.g., dual flush toilet, and SUDS measures, e.g., water butts and permeable paved and grassed surfaces would be undertaken.

7.20. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.

7.21. I conclude that, under the proposal, no water issues would arise.

(v) Appropriate Assessment

7.22. 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.

7.23. 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 the siting, size, design, and appearance of the proposed dwelling house and proposed related roadside boundary treatments, it is considered that this proposal would be visually obtrusive and intrusive within its streetscape context, and it would be seriously injurious to the amenities of residential properties in its vicinity. This proposal would thus fail to accord with the proper planning and sustainable development of the area.
2. Having regard to the proximity of habitable room openings in the proposed dwelling house to high boundary walls and to the roadside location of the proposed private open space that would serve this dwelling house, it is considered that the proposal would fail to establish a satisfactory standard of amenity for future occupiers of the new dwelling house. Consequently, the proposal would fail to accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

25th October 2022