



An  
Bord  
Pleanála

## Inspector's Report ABP-313978-22

### Development

Construction of a 2-storey, detached house, being a single family dwelling, on a corner / side garden site. New boundary walls to replace existing with 2 new pedestrian entrance gateways. Associated site works, landscaping and connections to the public services.

### Location

No. 63 Glenbrook Park, Rathfarnham, Dublin, D14 W573.

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD21A/0321

### Applicant(s)

Sarah MacDonald

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party v. Decision

### Appellant(s)

Sarah MacDonald

### Observer(s)

Aidan & Kathleen Lonergan

**Date of Site Inspection**

20<sup>th</sup> December, 2022

**Inspector**

Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located at No. 63 Glenbrook Park, Rathfarnham, Dublin, approximately 500m southwest of Rathfarnham Castle Park, where it occupies a corner plot in an established residential area predominantly characterised by conventional semi-detached, two-storey housing with front & rear garden areas and off-street car parking. It has a stated site area of 0.018 hectares, is irregularly shaped, and comprises the side garden area of an existing house. It extends southwards along the public road to the east and adjoins an area of public open space to the south known locally as 'Old Orchard'.

## 2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the subdivision of an existing housing plot and the construction of a detached, two-storey, 3-bedroom dwelling house within the side garden area of No. 63 Glenbrook Park. The proposed dwelling is of a contemporary design with a stated floor area of 110m<sup>2</sup> and an overall ridge height of 8.2m. It is based on an asymmetrical plan with the building footprint following the curvature of the public footpath so that the exterior wall of the new construction will define the eastern site boundary at ground floor level. The first-floor plan is more conventional in design with the structure stepped back from the edge of the floor below along its northern, eastern and southern perimeter. External finishes will include rendered blockwork, selected brickwork, and a standing seam zinc roof. Associated site development works include the provision of pedestrian accesses to the front and rear of the property, bin storage, boundary treatment, and landscaping. Water and sewerage services are available via connection to the public mains.

2.2. Amended proposals were subsequently submitted in response to a request for further information which included the following:

- The repositioning of the proposed dwelling further forward on site so that the front elevation of its first-floor level follows the established building line of the neighbouring property of No. 63 Glenbrook Park.

(*N.B.* The Board is advised that although Drg. No. P-1005-A.I.: '*Proposed Ground & First Floor Layouts*' shows the dwelling house as having been moved forward on site, this does not correspond with the remainder of the amended drawings which detail the proposed dwelling in its original position).

- The lowering of the roadside boundary wall forward of the front building line to 0.9m in height.
- An option to provide 2 No. on-street parking bays largely within the grassed margin alongside the public road, or alternatively, the provision of 2 No. parking spaces within the adjacent 'Old Orchard' public open space.

2.3. The proposed development was subsequently revised again in response to a request for clarification of further information to include the following:

- The extension of the site area to incorporate the entirety of No. 63 Glenbrook Park and a section of the public road (*N.B.* In this regard, I would advise the Board that revised public notices have not been provided).
- The enlargement of the rear garden area through the repositioning of the boundary wall between it and that of the neighbouring property of No. 63 Glenbrook Park.
- The provision of a single on-street parking bay largely within the grassed margin along the public road to the east.

(*N.B.* The positioning of the dwelling house is shown on these drawings as having reverted to that originally proposed).

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 7<sup>th</sup> June, 2022 the Planning Authority issued a notification of a decision to refuse permission for the following single reason:

- The provision of an unallocated public parking space would not be an adequate substitute for the provision of on-curtilage parking at this established low density residential area. The absence of on site car parking is contrary to

Section 11.4.4 of the Development Plan, is indicative of the overdevelopment of the subject site and would be contrary to the pattern of development in the area. The SDCC Roads Department outline that the proposal would lead to a reliance [on] on-street parking which would increase the risk of a traffic accident in this instance, thereby endangering public safety by reason of a traffic hazard. Furthermore, the location of the proposed public parking space would result in a reduction of manoeuvrability for cars accessing and egressing the opposite property at No. 55 Glenbrook Park which may in turn result in a traffic hazard. The proposal would be contrary to the 'RES' zoning objective for the area which seeks 'To protect and/or improve residential amenity' and would be contrary to the SDCC Development Plan 2016-2022.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports:**

An initial report details the site context, planning history, and the applicable policy considerations, including the relevant land use zoning objective ('RES') which seeks '*to protect and / or improve residential amenity*', before stating that the proposed development is acceptable in principle. It proceeds to consider the overall design and layout of the proposal and raises concerns as regards the adequacy of the private open space provision, the lack of storage, the need to achieve minimum bedroom sizes, and the height of the front boundary treatment. Concerns are also expressed that the extent to which the first-floor construction will project beyond the rear elevation of No. 63 Glenbrook Park will have an overbearing impact on that property. Furthermore, notwithstanding a recommendation by the Roads Dept. to refuse permission, it is stated that the applicant should be afforded the opportunity to submit revised proposals as regards the absence of on-site car parking. The report concludes by recommending that further information be sought in respect of the aforementioned issues.

Following the receipt of a response to a request for further information, a second report was prepared which noted that the revised details had satisfactorily addressed the overbearing impact of the proposal, the lack of storage space, and the need to comply with the minimum bedroom size requirements. However, concerns remained

as regards the private open space provision and the proposal to provide off-curtilage car parking beyond the confines of the site.

Upon the receipt of a response to a request for clarification of further information, a final report was prepared which stated that while the need for improved private open space had been addressed, the absence of on-curtilage car parking and the subsequent reliance on roadside parking was considered to be indicative of an overdevelopment of the site that could give rise to a traffic hazard. The report thus recommended a refusal of permission for the reason stated.

### 3.2.2. *Other Technical Reports:*

*Water Services:* No objection, subject to conditions.

*Public Realm / Parks Superintendent:* No objection, subject to conditions.

*Roads Dept.:* An initial report recommended that the proposed development be refused permission for the following reasons:

- Insufficient on-curtilage parking with the concern being that vehicles will park on the public realm where they could endanger public safety by reason of creating a traffic hazard.
- The increase in the height of the front boundary wall to 2,000mm which would result in issues with forward visibility for vehicles egressing the neighbouring property.

Following the receipt of a response to a request for further information, a subsequent report determined that the proposal was not eligible for consideration as 'car-free housing' given the site location outside of a town / village centre and in excess of 400m from a high-quality bus service. It was also considered that the options for off-curtilage car parking were unacceptable as they were reliant on the use of lands outside of the applicant's ownership and would set an undesirable precedent for similar parking arrangements in the area. It was therefore recommended that permission be refused for the following reason:

- The applicant has failed to provide an on-curtilage parking layout so has not fulfilled the request for additional information. The SDCC County Development Plan, 2016-2022 does allow for car-free housing in limited circumstances but in this case the site is unsuitable. [The] Roads Department

concludes that the lack of on-curtilage parking would lead to on street parking which would increase the risk of a traffic accident thereby endangering public safety by reason of a traffic hazard.

The proposals for off-curtilage parking have been deemed inadequate and cannot be considered as options.

Upon the receipt of a response to a request for clarification of further information, a final report was prepared which also recommended refusal as follows:

- The Roads Department cannot endorse the provision of a public parking space for the exclusive use of a private property. Section 4.4.9 of DMURS states that “*On-street parking in public streets should not be allocated to individual dwellings*”. The Roads Department has serious concerns that this would set an undesirable precedent for further similar parking arrangements in the area.
- The Roads Department considers that the provision of an unallocated public parking space would not be a substitute for the provision of on-curtilage parking as this would continue to lead to on-street parking which would increase the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.
- The location of the public parking space would result in a reduction of manoeuvrability for cars accessing / egressing the opposite property at No. 55 Glenbrook Park which may in turn result in a traffic hazard.

### 3.3. Prescribed Bodies

*Irish Water.* No objection, subject to conditions.

### 3.4. Third Party Observations

3.4.1. A single submission was received from an interested third party and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The proposed development will ‘shoehorn’ a standalone dwelling into the side garden of an existing semi-detached property which is unsuited for such purposes.

- The proposal is out of keeping with the established pattern of development and will disrupt the uniform appearance of the surrounding area.
- The new dwelling house will have a detrimental impact on the residential amenity of the observers' property by reason of a loss of light and the obstruction of views.

## 4.0 Planning History

### 4.1. On Site:

None:

### 4.2. On Adjacent Sites:

None.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.



## 5.2. Development Plan

### 5.2.1. **South Dublin County Development Plan, 2022-2028:**

#### *Land Use Zoning:*

The proposed development site is zoned as '*RES: Existing Residential*' with the stated land use zoning objective '*To protect and / or improve residential amenity*'.

#### *Other Relevant Sections / Policies:*

#### *Chapter 2: Core Strategy and Settlement Strategy:*

#### *Policy CS6: Settlement Strategy - Strategic Planning Principles*

Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.

*CS6 Objective 2:* To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

#### *Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement*

Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.

*CS7 Objective 3:* To promote and support the development of undeveloped infill and brownfield zoned lands and to promote pre-application consultation in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) (consistent with RPO 4.3).

#### *Chapter 5: Quality Design and Healthy Placemaking:*

#### *Section 5.2: Successful and Sustainable Neighbourhoods:*

*Policy QDP1: Successful and Sustainable Neighbourhoods:*

Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

*QDP1 Objective 1:* To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009)

*Chapter 6: Housing:*

*Section 6.7: Quality of Residential Development*

*Section 6.8: Residential Consolidation in Urban Areas:*

*Section 6.8.1: Infill, Backland, Subdivision and Corner Sites*

*Policy H13: Residential Consolidation:*

Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

*H13 Objective 1:* To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

*H13 Objective 3:* To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

*H13 Objective 5:* To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

*Chapter 12: Implementation and Monitoring:*

*Section 12.5: Quality Design and Healthy Placemaking*

*Section 12.6: Housing / Residential Development:*

*Section 12.6.7: Residential Standards*

*Section 12.6.8: Residential Consolidation: Corner / Side Garden Sites:*

Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards

and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;

- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

Section 12.7: *Sustainable Movement:*

Section 12.7.4: *Car Parking Standards:*

Tables 12.25 and 12.26 set out the maximum parking rates for non-residential and residential development. Parking rates are divided into two main categories:

- Zone 1: General rate applicable throughout the County;
- Zone 2 (Residential): More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high quality public transport service (includes a train station, Luas station or bus stop with a high quality service).

*Table 12.26: Maximum Parking Rates (Residential Development):*

<b>Dwelling Type</b>	<b>No. of Bedrooms</b>	<b>Zone 1</b>	<b>Zone 2</b>
<b>House</b>	3+ Bed	2 spaces	1.5 spaces

The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:

- The proximity of the site to public transport and the quality of the transport service it provides. This should be clearly outlined in a Design Statement submitted with a planning application,
- The proximity of the development to services that fulfil occasional and day to day needs,

- The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,
- The ability of people to fulfil multiple needs in a single journey,
- The levels of car dependency generated by particular uses within the development,
- The ability of residents to live in close proximity to the workplace,
- Peak hours of demand and the ability to share spaces between different uses,
- Uses for which parking rates can be accumulated, and
- The ability of the surrounding road network to cater for an increase in traffic.

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Dodder Valley Proposed Natural Heritage Area (Site Code: 000991), approximately 2.8km west-southwest of the site.
- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 4.5km southeast of the site.

### **5.4. EIA Screening**

5.4.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The Board is requested to consider the following 2 No. design options in its assessment of the subject appeal:

- *Option No. 1:*

The proposed development as initially lodged with the Planning Authority.

- *Option No. 2:*

A variation of the original design which provides for an increase in the overall site area from 0.0182 hectares to a slightly larger area of 0.0195 hectares. This may serve to resolve some of the issues raised and allows for a variation of the proposed house design which can address the concerns of the Planning Authority and provide for an off-street car parking space within the curtilage of the site.

- With respect to Option No. 1:

- The applicant is amenable to incorporating the amendments made in response to the request for further information issued by the Planning Authority, including:

Item 1(ii): A reduction in the height of the front boundary wall from 2m to 0.9m with the piers reduced to a maximum height of 1.2m to allow for forward visibility from vehicles egressing No. 63 Glenbrook Park.

Item 3: The widening / enlargement of the rear garden to provide for a more equal division of the space between the existing and proposed dwellings.

- The proposed dwelling has been designed and sited to follow the building line of No. 63 Glenbrook Park at ground floor level. The pitched roof profile, though asymmetric, responds to the roof profiles prevalent in the area.

- The external finishes will involve a mix of brick and render which are common throughout the estate. While a zinc finish is proposed for the roof, this is compatible with the tiled roofs of surrounding housing.
- The proposed roof height aligns with that of the adjoining house and is positioned at a lower level relative to the public footpath thereby resulting in a notional stepping down at the corner for the new dwelling.
- The dual frontage maximises the passive surveillance of the public footpath along the north-eastern site boundary.
- The first floor of the proposed dwelling has been designed to 'step back' as it extends around the corner as a means to transition from the formal line of housing along Glenbrook Park to the open green space to the rear of the site.
- The side elevation of the house and the new perimeter walling aim to reinforce the corner boundary. The rendered block wall is a unifying element that begins at the front of the house and continues around the corner to the rear boundary. It provides a visually uniform element for the house and boundary walls. Future planting will soften the appearance of the walling.
- The 2m height of the boundary wall simplifies the boundary condition and provides privacy to the front garden area.
- The proposal includes for 60m<sup>2</sup> of private open space which satisfies the minimum requirement for a three-bedroom house. This space also enjoys an east/south/west aspect.
- This option does not include for any on-site car parking as:
  - It was considered preferable to use the limited site area available as private open space rather than as car parking.
  - Given the ample space available for on-street parking in this quiet residential estate with low traffic volumes, it may be acceptable to park the car on the street outside the house.
  - The Draft South Dublin County Development Plan, 2022-2028 includes policies and objectives that aim to facilitate an increase

in walking, cycling and the use of public transport with a decrease in private car usage. The forthcoming BusConnects routes will also improve public transport in the area. Therefore, in anticipation of these changes, the view was taken that permission for a new house which meets all other design standards should not be dependent upon the provision of an off-street car parking space.

- Within the notification of the decision to refuse permission it is stated that *'The provision of an unallocated public parking space would not be an adequate substitute for the provision of on-curtilage parking at this established low density residential area'*. That proposal was submitted as a compromise in response to requests for further information and clarification as it was considered that the siting of a parking space on the public road might offer an acceptable alternative when the provision of on-curtilage parking was challenging. It is acknowledged that this option was unlikely to be a viable solution given that the applicant does not own the public road and, therefore, it is not being pursued.
- In response to the suggestion that the absence of on-curtilage parking is indicative of an overdevelopment of the site, the Board is advised that the Planning Authority aims to encourage appropriate development on corner / side gardens and infill sites in accordance with the Development Plan. In this regard, it should be noted that there are few corner sites in Glenbrook Park and, therefore, it is unlikely that there will be further such development in the immediate vicinity. Furthermore, the site coverage will be 43(46)% while the plot ratio equates to approximately 0.6 which is not representative of overdevelopment. In addition, Section 13.5.8: *'Residential Consolidation'* of the Draft South Dublin County Development Plan, 2022-2028 states that, subject to appropriate safeguards, reduced car parking standards may be considered for infill development.
- With regard to the suggestion that a reliance on roadside parking would endanger public safety by reason of traffic hazard, it should be noted that the proposal is for a modest dwelling in a low density, suburban housing estate where every other house has a front driveway with space for 1 - 2 No. cars



thereby reducing the need for on-street parking (other than for visitors and deliveries). Historically, there is very little on-street parking in the estate and there is over 50m of public road upon which a car may be parked in close proximity to the site (while the estate roads are at least 6m wide with footpaths and grass verges on either side). Given that the applicant is the only resident in the area likely to rely on streetside parking, it is not accepted that such a scenario would increase the risk of a traffic accident.

- In relation to concerns as regards the possible obstruction of access / egress to and from the property opposite at No. 55 Glenbrook Park, the proposal to avail of on-street car parking outside the proposed dwelling is no longer being pursued. Notwithstanding, any on-street parking space could have been sited at the location of optimum safety in accordance with the standards set out in the Design Manual for Urban Roads and Streets.
- With respect to Option No. 2:
  - The variation of the house design (as detailed in the amended drawings submitted with the grounds of appeal) includes for the following revisions:
    - The provision of a car parking space to the rear of the property.
    - The repositioning of the first-floor level of the proposed house to align with the front building line of No. 63 Glenbrook Park thereby reducing the depth of the projection to the rear of the property.
    - The boundary walls to the front garden and the rear of the car parking area are reduced to 0.9m in height.
    - The width of the rear garden to the proposed house has been increased.
  - Provision has been made for an on-site car parking space (5m x 2.5m) to the rear of the property accessed via a new 3.2m wide vehicular entrance. In this regard, it should be noted that the report of the case planner stated that the proposal '*could benefit from the provision either*

*of a shared vehicular access with No. 63, or on-curtilage parking to the rear'.*

The option of a shared vehicular access to the front was not viable due to ground level constraints and the preference to keep the existing and proposed houses as separate legal entities. The optimum position for an on-curtilage parking space is within the rear garden as proposed.

The proposed car parking space will be positioned perpendicular to the carriageway as is the norm in the estate. This location has good sightlines and allows for the safe access / egress of a vehicle. The boundary walls are to be replaced with walls of a lower height to allow for improved visibility.

- In response to the request for further information, the proposed dwelling house was moved forward to reduce the depth of its projection beyond the rear wall of No. 63 Glenbrook Park (with a view to alleviating any overbearing impact on that property). The amended proposal further reduces the depth of the rear projection by:
  - Pulling forward the first-floor level of the house to align with the front building line of the development and that of No. 63 Glenbrook Park.
  - Amending the internal floor layouts, particularly the orientation of the stairway and the room arrangement. The main difference is that the guest bedroom is now smaller than was originally proposed.
- The front boundary walls were originally proposed at a height of 2m for privacy and security purposes. The front garden is designed to be level with the public footpath to allow an accessible approach to the house. The front garden is thus approximately 850mm lower than the entrance level for No. 63 Glenbrook Park. The driveway to No. 63 is sloped and at a slightly higher level than the entrance / front garden level to the property. The reduction in the height of the boundary walls to 0.9m and the lowering of the height of the boundary wall between the front garden of the proposed dwelling and the driveway of No. 63 will

provide clear sightlines for any cars accessing / egressing the neighbouring property.

- The width of the rear garden for the proposed dwelling has been increased. This has been achieved by taking some additional area from the rear garden of No. 63 Glenbrook Park (without detriment to the amenity of that property) with the aim of providing sufficient space for a rear garden as well as car parking and bin storage. It is acknowledged that this has resulted in a rear garden area of 56m<sup>2</sup> (i.e. less than the 60m<sup>2</sup> requirement for a three-bedroom dwelling), however, the Development Plan allows for a reduced open space standard in instances of infill development.

With regard to corner & side garden sites, Section 13.5.8: *'Residential Consolidation'* of the Draft South Dublin County Development Plan, 2022-2028 states that *'a relaxation in the quantum of private open space may be considered on a case by case basis whereby a reduction of up to a maximum of 10% is allowed where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard i.e. an advantageous orientation, shape and functionality'*. The proposed private open space provision at 56m<sup>2</sup> represents a c. 6.65% reduction on the minimum standard of 60m<sup>2</sup> and thus is within the parameters offered by the Draft Plan. The garden will also benefit from a southerly aspect and will adjoin a public open space.

## 6.2. Planning Authority Response

- Confirms the decision to refuse permission.
- States that the issues raised in the appeal have already been addressed in the report of the case planner.

### 6.3. Observations

#### 6.3.1. Aidan & Kathleen Lonergan:

- The revised design submitted with the grounds of appeal (which includes for the provision of a new vehicular entrance and an off-street car parking space) does not remedy the reason for refusal. Instead, the off-street parking proposal would maintain or increase the risk to public safety by reason of traffic hazard.

The revised design is limited to a single off-street parking space which speaks to the unsuitability of the proposal given the confined nature of the site. In this regard, it is submitted that a three-bedroom dwelling will require parking for more than one vehicle (notwithstanding the needs of its initial occupants) given the likely demands of future owners. Furthermore, the provision of a new vehicular entrance for a single parking space will give tacit approval to others (occupants, visitors etc.) to park on the street in front of the driveway – a common practice in housing estates.

Therefore, the revised proposal does not remedy (and may increase) the risk to public safety as cars will park on the street in a manner previously identified as a safety risk by the Planning Authority.

- The proposed development and the new access will be located on a blind bend approaching an intersection.
- There are no other driveways / entrances on this side of the roadway.
- The suggestion that Glenbrook Park has sufficient space for on-street parking is rejected. The roadways in the estate are frequently congested with parked cars making driving conditions hazardous. More recently, this has been exacerbated by the presence of Fanaghans Funeral Home at Willbrook due to its accessibility via a pedestrian walkway at Fairbrook Lawn.
- The revised house plan is unsuitable given the constrained nature of the site. Indeed, it was previously noted that the open space provision at 58m<sup>2</sup> was below the 60m<sup>2</sup> minimum for a three-bedroom house. Therefore, it is submitted that the subject proposal is attempting to 'shoehorn' a detached

dwelling into a site that is not fit for purpose thereby creating a public safety hazard.

- The design of the proposed dwelling is unsympathetic to the existing architecture of Glenbrook Park – a housing estate of primarily semi-detached houses of uniform design.
- The Butterfield Residents Association has reviewed the proposal and agrees that the site is unsuitable for the proposed development for reasons of public safety, alignment, and estate maturity.

#### 6.4. Responses

None.

#### 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic considerations
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

#### 7.2. The Principle of the Proposed Development:

7.2.1. The proposed development site is located in a well-established residential area on suitably zoned and serviced lands. In this respect, I would suggest that the subject proposal concerns a potential infill site where the development of appropriately designed housing would typically be encouraged provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider strategic outcomes set out in the National Planning

Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.

7.2.2. Further support is lent to the proposal by reference to the broader provisions of the South Dublin County Development Plan, 2022-2028, with particular reference to Policy H13: '*Residential Consolidation*' as given effect by H13 Objective 3 which aims to favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards. These provisions are supplemented further by the guidance set out in Section 12.6.8: '*Residential Consolidation*' of the Plan which details the criteria to be used in the assessment of proposals that involve new infill development, including the redevelopment of corner / side garden sites.

7.2.3. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' also acknowledge the potential for infill development within established residential areas provided that a balance is 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.

7.2.4. Therefore, having considered the available information, including the site context and land use zoning, and the design, scale & infill nature of the proposed dwelling, I am satisfied that the overall principle of the development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the character of the area and the amenities of neighbouring properties.

### 7.3. **Overall Design and Layout:**

7.3.1. The proposed development involves the subdivision of an existing housing plot and the construction of a new dwelling house within the side garden area of the original residence. In this regard, it is apparent from the decision of the Planning Authority as informed by the reports of the case planner and the Roads Dept. that the principal issues with respect to the overall design and layout of the proposal concern the limited size of the site and the need to provide adequate off-street car parking for the proposed dwelling (although the applicant has disputed the necessity for any such

car parking provision in the first instance). In tandem with the foregoing, I would suggest that the wider issue of concern is whether the subject proposal complies with the development management standards set out in the Development Plan or if it amounts to an overdevelopment of a constrained site. In this regard, particular attention must be paid to the criteria for the assessment of development on corner and / or side garden sites contained in Section 12.6.8: '*Residential Consolidation*' of the Plan as well as the need to provide for adequate private open space and car parking in addition to the reasonable protection of the amenities and privacy of adjoining dwellings and the protection of established character.

- 7.3.2. With respect to the broader design of the proposed development, I would have reservations as regards the overall appearance / architectural treatment of the proposal and the ability of the site to accommodate the scale of development proposed, particularly as the construction will extend across the full width of the site with the result that the exterior wall of the new dwelling will directly abut the public footpath thereby serving to define the eastern site boundary at ground floor level.
- 7.3.3. The proposed development involves the construction of a contemporary, detached, two-storey dwelling on a prominent corner plot located at the intersection of a 'T'-junction in a well-established residential area predominantly characterised by conventional two-storey, semi-detached housing with a uniformity of design. Given the specifics of the site context and the needs of the applicant, the overall design and composition of the subject dwelling will differ noticeably from that of surrounding development, however, while contemporary and innovative proposals that respond to the local context are to be encouraged, it is a requirement of the assessment criteria set out in Section 12.6.8 of the Plan that the architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony.
- 7.3.4. In my opinion, the contemporary design of the subject proposal is as much a response to the constraints of the development site as it is an architectural statement. The narrow width of the site, particularly towards the front and rear of the property, its elongated shape, and the curvature of the eastern site boundary all limit its development options. In response, the proposed dwelling house has been designed to extend across the full width of the site in order to maximise the use of the space available with the result that its exterior wall (and fenestration) at ground

level will directly abut the public footpath. Although there would appear to be no express prohibition on such construction in the Development Plan, I would draw the Board's attention to South Dublin County Council's '*House Extension Design Guide*' for comparison purposes wherein it is stated that '*a privacy strip behind a low wall, hedge or railings should be provided along those sections of the extension that are close to the public pavement or road*'. While the construction of new housing with a gable end onto the public footpath is not without precedent, it is not a format of development typical of the surrounding area. In keeping with the aforementioned design guide, such housing would usually be encouraged to incorporate a privacy strip in order to set back the gable elevation from the footpath, however, the subject proposal has sought to counter any such requirement through the provision of clerestory windows to serve the ground floor bathroom, kitchen & dining areas. In my opinion, this element of the proposed design should be viewed as an indication that the narrow width of the site serves as a significant constraint to the development of the site. The narrow dimensions are further evidenced by the elongated nature of the proposed construction while the recessing of the first-floor level from the edge of the floor below further emphasises the differing proportions and architectural styling relative to surrounding housing.

- 7.3.5. It is also proposed to excavate into the development site in order to achieve a level access arrangement from the public footpath to both it and the proposed dwelling. This will result in the ridgeline, eaves height, and alignment of the front fenestration all being lower relative to neighbouring housing thereby further distinguishing the proposal from the prevailing pattern of development.
- 7.3.6. In my opinion, the submitted proposal gives the impression that the proposed dwelling has been squeezed into the available space and, in this regard, I am of the view that the overall design and appearance of the development, both within the site and the wider streetscape, is out of character with the prevailing pattern of development and would result in a visually discordant feature that would be detrimental to the visual amenity of the surrounding area.
- 7.3.7. In terms of private open space provision, I would refer the Board to Section 12.6.7: '*Residential Standards*' of the South Dublin County Development Plan, 2022-2028 which states that a minimum of 60m<sup>2</sup> of usable private open space behind the front building line should be provided in the case of a three-bedroom dwelling house. The



subject proposal, as initially submitted to the Planning Authority, provides for an enclosed, south-facing garden area to the rear of the dwelling with approximate dimensions of 3.6m x 15m which is shown as extending to 60m<sup>2</sup> thereby satisfying the minimum requirement. The size and dimensions of this space were subsequently increased in response to a request for clarification of further information with the revised rear garden area totalling 72m<sup>2</sup>, however, I would advise the Board these changes involved an extension of the development site which was not the subject of revised public notices.

7.3.8. Difficulties arise when the requirement for the minimum private open space provision is taken in conjunction with the demand by the Planning Authority that dedicated on-site car parking also be provided as part of the proposed development. In an effort to address the need for off-street parking, the grounds of appeal have been accompanied by an amended proposal (Option 2) which includes for the provision of a car parking space to the rear of the property (in addition to increasing the site size and the width of the rear garden to the proposed house). However, as a consequence of providing the on-site parking space, the rear garden area will be reduced to 56m<sup>2</sup> (notwithstanding the increase in the site size) and thus falls short of the minimum Development Plan requirement.

7.3.9. Section 12.7.4: '*Car Parking Standards*' of the Development Plan details that the county is divided into two zones for the purposes of calculating the applicable car parking requirement. A general rate will apply throughout the county within 'Zone 1' whereas a less onerous requirement will apply in Zone 2. The differentiation between the two zones is that for residential development, Zone 2 is defined as encompassing lands within '*town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high quality public transport service (includes a train station, Luas station or bus stop with a high quality service)*'. In the subject instance, it has been determined that the proposed development site lies within Zone 1 given the specifics of the site location, including its siting 550m from the closest high quality bus route (Stop 1330 on Grange Road) (the Plan defines a high frequency route as where buses operate with a minimum 10 minute frequency at peak times and a 20 minute off-peak frequency), although it is envisaged that a high frequency bus route will pass through Rathfarnham c. 450m away with the roll-out of the Bus Connects

service. Therefore, on the basis that the subject site lies within Parking Zone 1, the expectation would be that the proposed three-bedroom dwelling house should be provided with a 'maximum' of 2 No. parking spaces (the equivalent rate in Zone 2 would be 1.5 No spaces) (please refer to Table 12.26 of the Development Plan).

7.3.10. In an attempt to address the car parking issue, the applicant has first submitted that there is no overt need to provide dedicated on-site car parking for the proposed dwelling in light of the broader policy provisions of the Development Plan which aim to reduce the reliance on the private car and also seek to increase walking, cycling and the use of public transport. In support of the foregoing, I note that Section 12.6.8 of the Plan states that, subject to appropriate safeguards to protect residential amenity, reduced car parking standards may be considered for infill development and dwelling subdivisions, although these are to be examined in the context of public transport provision and the proximity of services and facilities, such as shops. Reference is also made to the forthcoming Bus Connects routes. Accordingly, the case has been put forward that permission for a development that meets all other residential standards should not be dependent on the provision of an on-site parking space. By extension, it has been suggested that any parking demand generated by the proposed dwelling could be accommodated by existing and / or proposed on-street parking. This has been followed by the submission of various proposals to provide dedicated on-street parking for the sole use of the proposed dwelling (all of which have been rejected by the Planning Authority).

7.3.11. While I would acknowledge the merits of 'car-free' development in certain situations (e.g. the availability of high frequency public transport services), given the site context, its suburban location, and the nature of the development proposed, in my opinion, it would not be appropriate in this instance to permit a three-bedroom dwelling house in the complete absence of any parking provision. Furthermore, with respect to the proposals to rely on roadside parking or parking bays provided within the 'Old Orchard' public open space, I am in agreement with the Planning Authority that neither of these options would be acceptable. The proposed on-street parking arrangements shown in response to the requests for further information and clarification will involve the construction of parking bays that protrude into the carriageway thereby potentially giving rise to a traffic hazard and the obstruction of other road users. The alternative suggestion of locating dedicated parking bays

within the adjacent public open space is also unviable given that those lands are outside the control of the applicant (while the regrettable loss of amenity area could also set an undesirable precedent). Further obstacles to the foregoing 'on-street / off-site' parking proposals are the likely difficulties in ensuring that the spaces in question are reserved for the sole use of the occupants of the proposed dwelling and not used by the general public (with the Roads Dept. noting that any allocation of public roadside parking to an individual residence would be contrary to the Design Manual for Urban Roads and Streets).

7.3.12. The second option proposed forms part of the grounds of appeal and involves the provision of a single in-curtilage / on-site car parking space accessed via a new vehicular entrance to the rear of the development site. In my opinion, this revision amounts to a material change from the development as originally proposed in that it is reliant on an extension of the site boundary and introduces new aspects to the development, including a vehicular entrance onto the public road. Therefore, if the Board is amenable to this option, it may wish to consider the necessity for the submission of revised public notices. While the provision of the on-site parking space as proposed would seem to provide an acceptable solution to the parking issue, it is evident from the site layout provided with the grounds of appeal (Drg. No. PL.APPEAL-1001-V) that this will result in the reduction of the private open space to 56m<sup>2</sup> i.e. below the minimum 60m<sup>2</sup> requirement set out in Section 12.6.7: '*Residential Standards*' of the Development Plan. In response to this shortfall, the applicant has referred to Section 12.6.8: '*Residential Consolidation: Corner / Side Garden Sites*' which states that '*A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality*'. If this were to be accepted, then the shortfall in the minimum private open space provision would be within permissible limits.

7.3.13. It is regrettable that in order to provide a single on-curtilage parking space (noting that up to 2 No. spaces could be required for a 3-bedroom house in Parking Zone 1), the proposed development will be unable to satisfy the minimum private open space requirement and will instead be reliant on a relaxation of the applicable standard. In

this regard, I note that although the private open space will benefit from a southerly aspect, its narrow elongated shape will limit its functionality and, therefore, I am not convinced that it is of such a high standard as to warrant a deviation from the required minimum of 60m<sup>2</sup>. In my opinion, the inability to provide a single off-street / on-site car parking space in tandem with the minimum private open space requirement in this suburban area would be indicative that proposal amounts to an overdevelopment of the site.

7.3.14. In addition to the shortfalls associated with the proposed dwelling, it is of note that the development will also reduce the parking availability for the existing house at No. 63 Glenbrook Park. That property comprises a 4-bedroom dwelling which presently accommodates off-street parking for at least two cars, however, with the proposed development in place, this will be reduced to 1 No. parking space. Although the retention of a single parking space for the existing dwelling will to satisfy parking requirements of the current Development Plan, it is of note that the parking provision planned for both the existing and proposed dwellings will be 50% less than the maximum parking rate applicable in Zone 1 i.e. 2 No. spaces per dwelling.

7.3.15. Having considered the foregoing, it is my opinion that the initial proposal as presented to the Planning Authority amounts to an overdevelopment of the site. In this regard, I am mindful that the original design does not provide for any on-site car parking and that subsequent proposals to avail of on-street parking are not viable. With respect to the amended proposals submitted with the grounds of appeal, I would also reiterate my concerns that the inclusion of the off-street parking bay and the associated opening of a new vehicular entrance onto the public road necessitate revised public notices to allow for their consideration. In any event, the inclusion of the off-street parking space will result in the proposed development failing to comply with the minimum private open space provision. Further credence is lent to my concerns as regards the overdevelopment of the site by reference to the narrow dimensions of both the site and the development, the loss of car parking for No. 63 Glenbrook Park, and my commentary on the broader design of the proposal (including the construction extending across the full width of the site). Therefore, on balance, I am unconvinced that the proposal as presented does not constitute an overdevelopment of a restricted corner site.

#### **7.4. Traffic Considerations:**

- 7.4.1. In response to requests for further information and clarification, proposals were submitted to provide on-street car parking to serve the proposed development which would entail the construction of one / two parallel parking bays (with associated concrete kerbing etc.) along the roadway bounding the site. Although concerns have been raised as regards the management of any such car parking (with the Roads Dept. noting that any allocation of public roadside parking to an individual dwelling would be contrary to the Design Manual for Urban Roads and Streets) and the need to obtain the necessary consents for works on lands outside of the applicant's control, in my opinion, the more pertinent issue is the haphazard means by which any such parking arrangement is to be introduced at the location proposed. The proposed parking bays will protrude into the carriageway thereby potentially giving rise to a traffic hazard and the obstruction of other road users.
- 7.4.2. In relation to concerns that the proposed on-street parking arrangement could impinge on the manoeuvring of vehicles accessing / egressing the property opposite, I am inclined to suggest that the remaining carriageway will be of sufficient width to safely accommodate any such traffic movements without undue encumbrance.

#### **7.5. Impact on Residential Amenity:**

- 7.5.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing / loss of daylight / sunlight.
- 7.5.2. With respect to the concerns expressed by the Planning Authority as regards the extent to which the first floor of the proposed dwelling will project beyond the rear elevation of the adjacent property, I would reiterate to the Board that there are various inconsistencies in the particulars submitted as regards the positioning / repositioning of the proposed construction on site. In this regard, and for clarity purposes, I would suggest that the front building line of both the ground and first floor levels of the proposed dwelling should follow that of the neighbouring property at No. 63 Glenbrook Park so as to avoid any potentially overbearing impact.

7.5.3. Furthermore, although concerns have been raised by observers to the appeal that the proposed development could obstruct views (of the Dublin Mountains) from their property, it is of the utmost relevance to note that any such views are not of public interest nor are they expressly identified as views worthy of preservation in the Development Plan. They are essentially views enjoyed by a private individual from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with their views of the surrounding area.

#### **7.6. Appropriate Assessment:**

7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

### **9.0 Reasons and Considerations**

1. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in the inadequate provision of good quality private open space in tandem with on-site car parking, and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The

proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. In the absence of adequate on-site car parking provision, the proposed development would increase the pressure on existing on-street car parking facilities in the locality thereby exacerbating haphazard parking practices and endangering public safety by reason of traffic hazard and the obstruction of road users. It would set an undesirable precedent for similar development in the locality and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

27<sup>th</sup> January, 2023