



An  
Bord  
Pleanála

## Inspector's Report ABP-313979-22

### Development

Alterations to previously approved development (Reg. Ref 3195/19) which permitted the construction of a 47.5m<sup>2</sup> one bed, two-storey dwelling and creation of a new vehicular entrance. The proposed alterations consist of (i) internal reconfiguring and increase in overall ground and first floor area (ii) reduce overall height of dwelling (iii) removal of door and 2 no. windows at north elevation, provision of 1 no. additional window and door at western elevation all at ground level; and (iv) all ancillary works necessary to facilitate the development.

### Location

101, Clonliffe Avenue, Dublin 3

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3737/22

### Applicant(s)

Paul Pugh

### Type of Application

Permission

### Planning Authority Decision

Grant

**Type of Appeal**

Third Party

**Appellant(s)**

Carmel Lawless

**Observer(s)**

None

**Date of Site Inspection**

22<sup>nd</sup> November 2022

**Inspector**

Lorraine Dockery

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 226 square metres, currently contains a two-storey, end of terrace dwelling, which fronts onto Clonliffe Avenue, Dublin 3. This is an established residential area.

## 2.0 Proposed Development

- 2.1. Permission is sought for alterations to previously approved development (Reg. Ref 3195/19) which permitted the construction of a 47.5m<sup>2</sup>, one bed, two-storey dwelling and creation of a new vehicular entrance. The proposed alterations consist of (i) internal reconfiguring and increase in overall ground and first floor area (ii) reduce overall height of dwelling (iii) removal of door and 2 no. windows at north elevation, provision of 1 no. additional window and door at western elevation all at ground level; and (iv) all ancillary works necessary to facilitate the development.
- 2.2. The development is proposed in the side garden of the existing property.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority GRANTED permission, subject to 9 standard conditions

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The main points of the planner's report include:

- Considered reasonable to allow the applicant to modestly increase the size of the permitted dwelling.
- Considered that the proposed dwelling will not be harmful to the residential or visual amenity of the area and will provide an additional residential unit in this city location.

- The proposed development is therefore in compliance with the Dublin City Development Plan and the proper planning and sustainable development of the area.
- Recommends grant of permission

#### 3.2.2. Other Technical Reports

Drainage Division- no objections, subject to conditions

## 4.0 Planning History

### ABP-307245-20 (2309/20)

Permission REFUSED on appeal for alterations to the previously approved development (Reg. Ref. 3195/19) which permitted the construction of a 47.5 sq.m. one bed, two storey dwelling and creation of a new vehicular entrance. The proposed alterations consist of an increase in overall floor area resulting in a 70m<sup>2</sup>, two bedroom contemporary flat roofed dwelling and all ancillary site works.

The reason for refusal may be summarised that by reason of its design, scale and bulk, the proposal would be out of character with the existing residential properties in the vicinity, would significantly infringe on the existing building line along Clonliffe Avenue and would significantly impact on the residential amenity of the adjoining properties and set a precedent for further over scaled development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual and residential amenities of the area, conflict with Section 16.10.9 of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

### 3195/19

Permission GRANTED for the construction of a single bedroom, two-storey end of terrace dwelling; creation of a new vehicular entrance on Clonliffe Avenue and all ancillary site works.

### ABP-301589-18 (2326/18)

Permission GRANTED on appeal for alterations to previously approved single-storey side extension (Reg. Ref. WEB1262/16). The alterations consist of the provision of

an additional storey, resulting in a two-storey, flat-roof extension to side (west) of main dwelling and all associated site development works.

Web1262/16

Permission GRANTED for the construction of a single storey extension to the side of existing house.

Ref PL29N.240265 (3665/11)

Permission REFUSED on appeal for the erection of a new single storey extension to front, side and rear of existing dwelling and all associated site works.

## 5.0 Policy and Context

### 5.1. Development Plan

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

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

Section 16.10.9 Corner/Side Garden Sites

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

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

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

## 5.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

## 5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The main points of the appeal are:

- Contrary to zoning objective and contrary to policies/objectives of Dublin City Development Plan
- Residential amenity concerns
- Site does not meet standards for large, independent site
- Visual amenity- does not respect context of surrounding area, damages historic scale and detailing of original layout
- Procedural issues in relation to planning authority decision

## 6.2. **Planning Authority Response**

Requests that An Bord Pleanála upholds their decision and that if permission is granted that a condition requiring the payment of a section 48 development contribution be attached to any such grant

## 6.3. **Observations**

None

## 6.4. **Further Responses**

A response was received on behalf of the first party which refutes all grounds of appeal. No new planning matters raised. Alterations to previously permitted dwelling are considered to be minimal in scale and would not have negative impact on amenity of the area. Table 1 and 2 (page 6) sets out the increase in dwelling dimensions between the various applications lodged on this site.

## 7.0 **Assessment**

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority and the first party response, in addition to having visited the site. The primary issues, as I consider them, are (i) policy context and (ii) the impact on the visual and residential amenity of the area arising from the proposed development.
- 7.2. I highlight to the Board that there is quite a protracted planning history on this site. The most recent application ABP-307245-20 was refused permission by An Bord Pleanála due to design, scale and bulk of proposal within its context. The planning authority have previously accepted the principle of dwelling on this site under 3195/19, this decision was not subject of appeal. I also highlight that An Bord Pleanála has previously accepted the principle of two-storey development (albeit an extension) on the site (ABP-301589-18).
- 7.3. The overall scale and bulk of the proposal has been reduced from that previously refused on appeal (ABP-307245-20) and I refer the Board to Tables 1 and 2 of the applicants response to appeal in this regard (page 6). In this current proposal, the

width and depth of the proposed dwelling is being increased by 0.1m and 1.45m respectively at ground floor level and by 0.2m and 0.81m respectively at first floor level.

- 7.4. As there is an extant grant of permission for a dwelling on this site, it may therefore be argued that the principle of a dwelling has been previously accepted on this site. It is noted however that this decision was not subject to appeal. It is therefore the difference between that previously permitted and that currently proposed, which I am now assessing, and not the principle of a dwelling on this site.
- 7.5. Procedural matters relating to the grant of permission are outside the remit of this appeal and do not affect the outcome of my recommendation.

#### Policy Context

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

#### Visual Amenity

- 7.7. I acknowledge the concerns put forward by the appellants in relation to breaking of the building line at this location and the impact it has on the overall layout of the cul-de-sac. In this regard however, I note that An Bord Pleanála has previously granted permission for a two-storey extension to side of this dwelling, therefore, it may be argued that the principle of a two-storey structure at this location has been previously accepted by the Board. In addition, a two-storey dwelling has previously been permitted by the planning authority. In terms of visual amenity, I consider that the increase in scale and bulk of the proposal, over and above that previously permitted in the site, would not be so great as to warrant a refusal of permission. The increase in floor area, over and above the extant permission on this site is considered to be marginal.
- 7.8. I do not consider the proposal to be excessively dominant, overbearing or obtrusive in its context over and above that previously permitted on site and I consider that the subject site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. While a contemporary design has been put forward, I do not consider the proposal to be out of character



with existing development in the vicinity and it is similar to that previously permitted on site. I am satisfied that the proposed development is in accordance with the operative City Development Plan in this regard.

### Residential Amenity

- 7.9. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. I concur with the opinion of the planning authority that the impact of the additional size of the proposed development is not considered to be so severe in visual or residential amenity terms as to be harmful to the character of the area. In my opinion, separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed house would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established city area, where there are adequate public transport links, services, facilities and employment in close proximity.
- 7.10. Adequate private open space is proposed for both the existing and proposed dwellings, to comply with Development Plan standards, in line with what was previously permitted on the site. I note that the proposed dwelling complies with the operative Development Plan in terms of internal standards.

### Conclusion

- 7.11. Having regard to the limited extent, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the City Development Plan, which seeks 'to protect provide and improve residential amenities', is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment Screening**

- 8.1 Having regard to the nature and scale of the proposed development, the location of

the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 9.0 Recommendation

9.1. I recommend permission be GRANTED subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Dublin City Development Plan 2016-2022, and to the standards for the development of corner/side gardens set out in section 16.10.9 of that Plan, it is considered that, subject to compliance with conditions below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
5.	<p>Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
6.	<p>Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Irish Water.</p> <p><b>Reason:</b> In the interests of public health</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters</p> <p><b>Reason:</b> In the interests of public safety</p>
8.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p>

	<p><b>Reason:</b> To protect the amenities of the area</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

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Lorraine Dockery  
Senior Planning Inspector

28<sup>th</sup> November 2022