



An
Bord
Pleanála

Inspector's Report ABP-315051-22

Development	Revisions to previously approved application for dormer bungalow (Planning Application No. 3005/18 & ABP-302262-18).
Location	Site adjoining No. 2 Chanel Grove/Beechpark Avenue, Dublin 5.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1769/22.
Applicant(s)	Liam Lafferty.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant(s)	Liam Lafferty.
Observer(s)	Paul Bennett.
Date of Site Inspection	16 th day of January, 2023.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Having inspected the site and its setting I consider that the Boards Inspectors Site Location and Description as set out for appeal case ABP-302262-18 is still applicable:

“The subject site is located west of Coolock Village, approx. 7km northeast of Dublin City Centre. The site is located at the junction of Chanel Grove and Beechpark Avenue, approx. 80m west of the junction of Beechpark Avenue and Coolock Village Main Street. Chanel Grove is a small residential cul-de-sac of 35 dwellings, comprising six bungalows at the entrance to the cul-de-sac and two storey dwellings in the remainder. Beechpark Avenue is one of the main routes into the Beechpark residential area, which connects onto the Oscar Traynor Road/R104 northwest of the site and the wider road network of Kilmore Road. On the opposite side of the street to the appeal site/east side of Chanel Grove is a large open car park associated with a pub fronting onto Coolock Village Main Street.

The site comprises a hipped roof semi-detached bungalow with large side and rear garden. There is no off-street parking to the front of the dwelling, with a vehicular gateway located to the rear onto Beechpark Avenue, which is closed up with a large steel gate. The original garage at the rear boundary of the garden is no longer in use. I noted upon site inspection there was a car parked on the footpath to the front of the house. The side boundary of the property comprises a low wall, with planting (Leylandii Cypress trees) at the front side onto Beechpark Avenue, with this wall increasing in height toward the rear section of Beechpark Avenue.”

2.0 Proposed Development

- 2.1. Planning permission is being sought for revisions to previously approved application (ABP Ref. No. 302262-18/P.A. Ref. No. 3005/18). These revisions include:
- Provision of dormer floor accommodation.
 - External elevational revisions.
 - Internal alterations relating to an approved dormer bungalow with attic floor storage space on approved infill site.
- 2.2. According to the information on file this application seeks to provide 44m² of habitable accommodation at first floor level of the dormer with this accommodation having a

given floor-to-ceiling height of 2.5m. The increase in floorspace from that approved is 70m² to that now proposed 112m². The overall revisions sought would give rise to an increased ridge height of 6.92m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 13th day of October, 2022, the Planning Authority **refused** permission for the development set out under Section 2.1 above for the following stated reason:

“The proposed development, by reason of its scale, form and design would be visually incongruous and out of character with the existing single storey semi-detached houses adjoining the application site on Chanel Grove. The proposed development would therefore, seriously injure the visual amenities of the area, 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

The Planning Officer’s report, dated the 12th day of October, 2022, is the basis for the Planning Authority’s decision. It included the following comments:

- The increase in height is out of character with the single storey character of the setting.
- This proposal fails to integrate harmoniously with its surroundings.
- This proposal would result in a cramped form of development on this site.
- This proposal would result in overdevelopment of the site and would seriously injure the residential amenities of the setting.
- The provision of two driveways for three car parking spaces is questioned. This provision of driveways would erode the character of the wider streetscape.

3.2.2. Other Technical Reports

Drainage: No objection, subject to standard safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. Two No. Third Party Observations were received by the Planning Authority during the course of its determination of this planning application. These raised residential amenity; visual amenity; overdevelopment and traffic hazard concerns.

4.0 Planning History

4.1. Site

- **ABP-302262-18 (P.A. Ref. No. 3005/18):** On appeal to the Board planning permission was **granted** for the construction of a bungalow with attic floor space (non-habitable) located to side and rear property and vehicular access to front. The gross floor area of the bungalow permitted was given as 70m² and the ridge height at 41.6 set below that of No. 2 Chanel Grove which has given maximum ridge height of 41.82m.(Decision date: 06/12/2018)

- **ABP - PL29N.233563 (P.A. Ref. No. 2348/09):** On appeal to the Board permission was **refused** for 2 storey detached dormer style bungalow at side of existing dwelling, for the following reason:

“Having regard to the cramped form of development on this site and its proximity to boundaries, it is considered that the proposed development would give rise to overdevelopment of the site, would seriously injure the amenities of the area, would be visually incongruous and out of character and would, therefore, be contrary to the proper planning and sustainable development of the area”.

- **P.A. Ref. No. 2855/08:** Permission was **refused** for a detached 1½ storey dwelling in the rear garden, for reasons relating to overdevelopment, under provision and poor disposition of private open space; overlooking of 2 and 6 Chanel Drive and room sizes.

- **P.A. Ref. No. 5709/07:** Permission was **refused** for demolition of garage & outbuildings and the construct 2 no. 1 bed apartments in rear garden, for reason relating to apartment style development being incongruous in an area characterised by single occupancy dwellings and amount to piecemeal development.

5.0 Policy & Context

5.1. National

- **Project Ireland 2040 - National Planning Framework (NPF).**
- **Housing for All - A New Housing Plan for Ireland, 2021.**
- **Climate Action Plan, 2021.**
- **National Development Plan, 2021 to 2030.**

5.1.1. **Ministerial Guidance:** The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009.
- Urban Design Manual: A Best Practice Guide, 2009.
- BRE Guide 'Site layout Planning for Sunlight and Daylight', 2011.
- Design Manual for Urban Roads and Streets, 2019.

5.2. Regional

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

5.3. Local

5.3.1. The Dublin City Development Plan, 2022-2028, came into effect on the 14th day of December, 2022, under which the site is zoned '*Z1 – Sustainable Residential Neighbourhoods*'.

5.3.2. Chapter 14 sets out the Land Use Zonings.

5.3.3. Chapter 2 of the Development Plan sets out the core strategy.

5.3.4. Chapter 3 of the Development Plan deals with climate action.

5.3.5. Chapter 5 of the Development Plan deals with the matter of quality housing and sustainable neighbourhoods.

- 5.3.6. Section 14.7.1 of the Development Plan in relation to 'Z1' zoned land states that the land use objective is: *"to protect, provide and improve residential amenities"* and that the vision is: *"for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services"*.
- 5.3.7. Chapter 15 of the Development Plan sets out the development management standards.
- 5.3.8. 15.13.3 of the Development Plan deals with the matter of Infill /Side Garden Housing Developments. It states that the: *"the planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. 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 is developed"*. It also sets out the criteria for the assessment of such applications.

5.4. Natural Heritage Designations

- 5.4.1. None within the zone of influence.

5.5. EIAR Screening

- 5.5.1. The proposed development is not of a nature or scale which would fall within the fifth schedule of the Planning and Development Regulations, 2001, (as amended), such as would necessitate the carrying out of an EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:
- This proposal gives rise to a more sustainable family home.

- This proposal would harmonise with adjoining properties on Beechpark Avenue.
- The site is located in a setting with a mixture of public house, car parking, shops, and houses.
- The previously approved dwelling had an attic storage space in excess of 20m² and in this context the increase in floor area is 22m².
- The design consists of a one and half storey dwelling that would be no higher than the highest point of No. 2 Chanel Grove.
- This proposal is consistent with Development Plan provisions.
- They are open to the flat roof being replaced by a conventional pitch roof.
- The proposed revision would be subordinate to the existing house and other houses in its vicinity.
- The Board is sought to overturn the Planning Authority's decision.

6.2. **Planning Authority Response**

6.2.1. None.

6.3. **Observations**

6.3.1. The Board received one Third Party Observation from Paul Bennett, of an address No. 11 Chanel Grove. This observation raises concerns that the proposed development is out of character with the existing houses and its unsightly. It also considers that this development would give rise to additional traffic safety concerns due to the site's location on a bend.

7.0 **Assessment**

7.1. I have carried out an inspection of the site setting, examined the file and the planning history, alongside considered all policies and guidance and the submissions of all parties. I consider that the key issues that arise in this case primarily relate to those raised by the First Party Appellant in their grounds of appeal submission to the Board. This submission effectively seeks that the Board should overturn the decision of the Planning Authority given that the proposed alterations to the development as approved

by the Board under ABP-302262-18 do not give rise to any amenity issue and that they are consistent with the Development Plan provisions for such a development at this mixed-use location.

- 7.2. Further to this, it is of relevance that the Board also received one Third Party submission in this appeal case. The Observer in this case seeks that the Board uphold the decision of the Planning Authority. They also raise concerns that the proposed development, if permitted, would give rise to undue visual amenity impact, and would give rise to road safety concerns on what they describe is the site's location on a dangerous bend.
- 7.3. In terms of the principle of the development sought and given the site's location on 'Z1' land, which has the land use objective of seeking to: "protect, *provide and improve residential amenities*", alongside extensions to residential dwellings, albeit in this case relating to a dwelling house yet to be constructed, is generally deemed to be acceptable, subject to safeguards. I also note that the efficient use of serviced urban land by way of increased residential densities is in line with regional and national policy provisions. I therefore consider the principle of the development is acceptable.
- 7.4. In relation to the planning history of the site, the principle of a dwelling house on this corner site, with frontage onto the intersection of Chanel Grove and Beechpark Avenue has been established by way of the overturning of the Planning Authority's refusal of permission for a bungalow under appeal case ABP-302262-18. It is also of relevance that the site has a more detailed planning history that precedes this grant of permission by the Board. This I have set out under Section 4.1 of this report.
- 7.5. Of note, previously the Board refused permission for a 2-storey detached dormer style bungalow on this site for reasons relating to the cramped form of development, the overdevelopment of the site through to visual amenity concerns.
- 7.6. In addition to this under P.A. Ref. No. 2855/08 the Planning Authority refused permission for a part one and part two storey dwelling on this site. This was on the basis that it would give rise to overdevelopment of the site, that it would give rise to substandard future amenities for occupants due to the provision and disposition of private open space as well as it would result in serious injury to properties in its vicinity by way of overlooking.
- 7.7. The Development Plan under Section 15.13.3 sets out criteria for dwellings on side/garden sites. The criteria include but are not limited to the developments

compatibility with the character of the street; the compatibility of the design and scale with adjoining dwellings; including but not limited to proportions, heights; through to the level of visual harmony.

- 7.8. In addition, Section 15.13.5.2 sets out that new buildings should complement the character of the main building with regard to scale, massing, height, building depth, roof treatment and materials.
- 7.9. Overall, these additions will be deemed acceptable where they are subordinate in height and scale to the main building as well as subject to them maintaining the established height of the roof ridgelines and the like.
- 7.10. In relation to the proposal put forward the applicant seeks that the ground floor level of the dwelling, which has a floor area of c70m², would accommodate living spaces such as shared kitchen dining and living room. It would also contain sundry spaces and rooms consisting of a Hot Press, Water Closet, Utility and Stairway providing access to the first floor level that with the raised roof height of 6.92m would contain two double bedrooms, one containing an en-suite and a bathroom. These would be accessed from a landing that would be lit by a metal clad dormer window.
- 7.11. Both bedrooms would be lit from windows in the side gable of the amended dwelling. The western first floor level window would be positioned facing onto the western side of Chanel Grove and Beechpark intersection with the other bedroom window facing into the front garden of No. 6 Beechpark Avenue. With c14m between it and the side boundary of this adjoining property.
- 7.12. It is of note that the window openings are modest in their width and height (c1m by 1.2m) in terms of glazing and the first floor level east and west elevations maintain a similar building line as the eaves of adjoining semi-detached bungalows No.s 1 and 2 Chanel Grove. In addition, the ridge height of the amended dwelling design is given as 42.46m, whereas the adjoining dwelling of No. 2 Chanel Grove, on which the site forms part of its original site curtilage is given as 41.82m.
- 7.13. The surrounding setting is one characterised by bungalow dwellings to the immediate west on Beechpark Avenue and to the south on Chanel Grove. On the opposite side of Beechpark Avenue two storey brick finished semi-detached properties predominate the northern side of the streetscape scene of Beechpark Avenue which at this point has a curving alignment.

7.14. In this context I consider that the proposed dwelling as altered under this planning application would be legible as a new building layer that provides an acceptable built form and height modulation between the single and two storey dwellings that are present in its visual context without giving rise to any undue visual and/or residential amenities.

7.15. Moreover, it does not give rise to any reduction in private amenity space as previously approved by the Board on appeal with the 73m² consistent with the private amenity standards set out in the Development Plan for this type of development at this location. Nor would it give rise to any undue overlooking and/or additional privacy issues within its urbanscape setting, a setting where a level of overlooking is to be expected, given as said the lateral separation distance and the oblique views that would arise in terms of private amenity spaces of neighbouring properties in its vicinity.

7.16. I am also not convinced that the alterations would give rise to any significant change in traffic volumes and car parking demands when compared to that previously permitted under ABP-302262-18.

7.17. Based on the above considerations, I recommend that the Board overturn the decision of the Planning Authority, based on the proposed development being consistent with the proper planning and sustainable development of the area as provided for under the Development Plan.

7.18. **Appropriate Assessment**

7.18.1. Having regard to the nature and scale of the proposed development, the site's location in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development 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. I recommend that permission be **granted**.

9.0 **Reasons and Considerations**

9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would

not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The development outside of the alterations set out in the plans and particulars lodge with this application, shall comply with the conditions attached to the Board grant of permission ABP-302262-18, in full.

Reason: In the interest of clarity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

Patricia-Marie Young
Planning Inspector
7th day of March, 2023.