



An
Bord
Pleanála

Inspector's Report

ABP-315390-22

Development	Construction of dwelling with all associated site works.
Location	Site to side of 24 Briarfield Road, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	5025/22
Applicant(s)	Daniel Murray and Lauren Shannon
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Daniel Murray and Lauren Shannon
Observer(s)	None
Date of Site Inspection	26 th July 2023
Inspector	Tomás Bradley

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1.0 Site Location and Description

The site is located at 24 Briarfield Road, Dublin 5 (ITM 722342, 738981). The current residential dwelling at the site sits on a corner, L-shaped, end of terrace landholding. It is at a minor junction with a cul-de-sac road which leads to other residential dwellings of a similar type. Kilbarrack Dart Station is approximately 100m to the north.

The site is currently a front and side garden to the existing residential dwelling on the site. The garden is screened with hedging. No. 26 Briarfield Road which is to the rear of the site enjoys a similar front and rear garden. Hedging separates the two landholdings.

The predominant type of residential dwelling on Briarfield Road are two-storey terraced dwellings. Many have had alterations to the front facades with porches. Several corner landholdings have had extensions to the original residential dwelling.

2.0 Proposed Development

The proposed development consists of construction of a detached 2 storey dwelling including all associated site works, landscaping & SUDs drainage details, the proposal will include a new vehicular access exiting onto Briarfield Road, to the side of 24 Briarfield Road, Dublin 5.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council decided on the 6th of December 2022 to refuse permission for the following reason:

“The proposed development would detract from the visual amenities of the area having regard to the restricted size and nature of the subject site and by reason of the proposed dwelling's advanced building line forward of the neighbouring terrace and its incongruent appearance.”

The proposed development would constitute haphazard overdevelopment of a restricted site and, by itself and by the precedent it would set for further such development, would be contrary to Section 16.10.9 of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 6th December 2022 sets out the planning history of the site, which includes a previous proposal by the appellant which was granted permission. This is set out in Section 4.0 of this report. The report also considers several interdepartmental reports which are further discussed in Section 3.3.2 of this report as well as the provisions the development plan. The zoning objective for the area is also detailed.

The planning assessment contains a substantive discussion on the character of the street and compatibility of design and scale with adjoining dwellings and the impact on residential amenities of adjoining sites. Other issues considered include open space and refuse standards, carking parking, landscaping and boundary treatments and the relevant development standards.

3.2.2. Other Technical Reports

The Drainage Division report dated 9th November 2022 requested additional information in relation to details for the management of surface water and flood risk at the site.

The Transportation Planning Division report dated 15th November 2022 does not raise any material issues subject to the applicant complying with certain conditions related to vehicular access standards.

3.3. Prescribed Bodies

There are no prescribed body submissions in respect of this case file.

3.4. Third Party Observations

There are no third party observations in respect of this case file.

4.0 Planning History

The following files are the most relevant to this appeal:

Dublin City Council Planning Reference 3991/10

Dublin City Council granted planning permission on the 13th of January 2011 at 24 Briarfield Road for:

“New 1st floor extension over existing single storey side extension and a new single storey extension across front of dwelling.”

Dublin City Council Planning Reference 2548/20

Dublin City Council granted planning permission on the 26th of August 2020 at 24 and 26 Briarfield Road for:

“the construction of a detached 2 storey dwelling including all associated site works, landscaping & SUDs drainage details, the proposal will include a new vehicular access exiting onto Briarfield Road, Dublin 5, all at the site between 24 & 26 Briarfield Road, Dublin 5”.

Dublin City Council Planning Reference 3901/20

Dublin City Council granted planning permission on the 26th of March 2021 at 26 Briarfield Road for:

“the construction of a detached 2 storey dwelling including all associated site works, landscaping and SUDs drainage details, the proposal will include a new vehicular access exiting onto Briarfield Road, Dublin 5”.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant plan for the subject site. The site is zoned ‘Zone Z1 Sustainable Residential Neighbourhoods’. The general objective for such areas is to protect, provide and improve residential amenities.’

Relevant planning policies for the proposed development are set out under Section 5 (Quality Housing and Sustainable Neighbourhoods) of the plan. Of particular note is QHSN6 Urban Consolidation where it sets out the policy to “*promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation*”.

This policy is balanced by QHSN10 Urban Density which seeks to “*promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area*”.

The particular standards for side garden developments are set out in Section 15.13.3 Infill /Side Garden Housing Developments. The plan considers that such developments “when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites.”

There are several criteria set out for assessing proposals for the development of corner/side garden sites including and of most relevance to this appeal include the character of the street and compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings. There are several other criteria noted.

5.2. Natural Heritage Designations

There are no relevant natural heritage designations in respect to the subject site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

5.4. **Appropriate Assessment**

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), Appropriate Assessment (AA) Screening has been undertaken to assess, in view of best scientific knowledge and the Conservation Objectives of relevant European sites, if the development individually or in-combination with other plans or projects will result in likely significant effects on a European site(s).

It is considered Appropriate Assessment is not required as the project individually or in-combination with other plans or projects is not likely to have a significant effect on any European sites. The risk of likely significant effects on European sites can be excluded on the basis of objective evidence.

This is based on the location, scale, extent, and duration of the development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The decision is the subject of a first party appeal. A letter submitted with the appeal on the 20th of Dec November 2022 prepared by Paul Sheehy Architectural & Project Management Services.

- The proposal would not detract from the visual amenity of the area and is largely in keeping with a previous permitted proposal with exception of the building moving forward from the existing building line.
- A revised planning application is required as there were issues relating to the landholding and the land transfer required. The previous planning application is no longer feasible according to the appellant because of this.
- It is not considered that the site is restricted and is a common site size for housing estates developed in the 1950's and 1970's. The appellant considers it generous in comparison to newer housing estates being developed.

- The proposed development confirms largely to the building lines, fenestration, textures and finishes of other buildings in the area.
- While the building line is being broken by 2.5 metres, it remains 6.6 metres set back from the public footpath which reduces negative impact on the streetscape.
- It is stated that there are other buildings in the area with similar designs including 84 Briarfield Road, the site and 86 Briarfield Road both of which are approximately 150 metres from the site. There are other examples referenced on Streamville Road. On the basis of the examples provided, it is considered that the proposed development is reasonably common and consistent for the area.
- A letter from the applicant Daniel Murray was included in the appeal setting out the family circumstances, the need for the proposed development and other personal details.

6.2. Planning Authority Response

A response was received from Dublin City Council in respect of this appeal dated 11th January 2023. It is requested An Bord Pleanála uphold the decision of Dublin City Council.

If An Bord Pleanála were to grant planning permission, two conditions were requested including the payment of a Section 48 Development Contribution and a naming and numbering condition.

6.3. Observations

No observations were made to An Bord Pleanála in respect of the appeal.

6.4. Further Responses

No further responses were sought from any party in respect of this appeal.

7.0 Assessment

Having examined the application and appeal documentation on file and having regard to relevant policy and guidance, it is considered that the main issues in this appeal are those raised in the grounds of appeal and in the reason for refusal set out by Dublin City Council and in particular the principle of the development and visual impact.

7.1. Principle of the Development

The site is zoned 'Zone Z1 Sustainable Residential Neighbourhoods'. The general objective for such areas is 'to protect, provide and improve residential amenities.' The principle of residential development is accepted within this zoning objective subject compliance with the Dublin County Development Plan 2022-2028.

7.2. Visual Impact

The Dublin City Development Plan 2022-2028 Section 15.13.3 Infill/Side Garden Housing Developments specifies that the provision of additional residential units in side gardens will be generally supported subject to relevant development plan standards set out in the same section.

A development in side gardens must be assessed in relation to the character of the street, compatibility of design and scale with adjoining dwellings, the established building line, proportion, heights, parapet levels and materials of adjoining buildings, quality of design and layout, the adequate provision of car parking, open space and landscaping and the impacts upon the residential amenities of adjoining sites.

The proposed development seeks to provide a two storey, three bedroom dwelling within the side garden. The appeal site, as mentioned above, has the benefit of planning permission for a previous proposal which incorporated lands from an adjoining site. This is no longer feasible according to the appellant due to the a land transfer issue.

It is contended by the appellant that there are numerous similar developments within the area. Reference is made to other dwellings constructed at 84 Briarfield Road, 86 Briarfield Road and on Streamville Road. It is noted that these examples have resulted in the building lines being broken on these specific sets of terraces in certain locations. However, they are not necessarily examples of acceptable design in the

context of the current development plan. The building line between No. 2 and No 24 Briarfield Road remains relatively intact, except for some single storey porches. The proposed development would break it by approximately 2.5 metres.

Whilst the applicant's contentions in relation to the design of similar dwellings in the area is acknowledged, in this particular circumstance the mass and bulk of a two-storey dwelling at this site is a primary concern. Generally, breaking the building line occurs at ground level and the building line is maintained at first floor level.

While a constrained site, it is considered that there is potential for a better design solution to achieve the criteria set out in the development plan for a side garden housing development at this site which is less incongruous in terms of mass and bulk and does not result in the breaking of the established front building line at first floor level.

Notwithstanding the applicants contention about the visual impact, It is considered that the proposed development by virtue of its proposed mass and bulk would be out of keeping with the prevailing pattern of development in the area which largely respects established building lines.

7.3. Other Issues

Other grounds raised in the appeal relate to the:

- acceptability of the site size,
- acceptability of fenestration, textures, and finishes,
- acceptability of distance and setback from the road,
- personal circumstance of the intended occupiers.

All these issues are noted, however, not considered entirely relevant to the key issue of the building line and its visual impact which is addressed in Section 7.2. Again, it is accepted that there is a design solution to achieve a residential dwelling at this site, however, it needs to meet the criteria set out in the development plan for a side garden housing development.

8.0 Recommendation

The proposed development is not considered to be consistent with the Dublin City Development Plan 2022-2028 and the proper planning and development of the area. It is recommended that the permission be refused.

9.0 Reasons and Considerations

The proposal development fails to comply with Section 15.13.3 Infill / Side Garden Housing Developments of the Dublin City Development Plan 2022–2028 by not maintaining the established front building line of dwellings on Briarfield Road. The proposed development by virtue of the proposed layout would be contrary to the provisions of the Dublin City Development Plan 2022–2028 in this regard and would result in an incongruous form of development which injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Tomás Bradley,
Senior Planning Inspector

27th July 2023