



An
Bord
Pleanála

Inspector's Report

ABP-315572-23

Development

Demolition of sheds to rear.
Permission for i) the subdivision of existing cottage, ii) extension to rear of cottage to create 2 no. dwellings, iii) construction of 2 no. dwellings in the side garden. All dwellings designed as Part M/ Wheelchair accessible/ suitable for elderly living (4 no. dwellings in total).

Location

346 Kildare Road, Crumlin, Dublin 12.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

5152/22

Applicant(s)

Mourneview Construction Limited

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Mourneview Construction Limited

Observer(s)

None

Date of Site Inspection

24th November 2023

Inspector

Frank O'Donnell

1.0 Site Location and Description

- 1.1. The appeal site is located at no. 346, Kildare Road, Crumlin, Dublin 12. The site comprises of an existing single storey semi-detached dwelling, 3 no. sheds to the rear and associated rear and side garden space. The existing dwelling has an estimated floor area of 45 sqm and the appeal site is stated to measure 683 sqm (0.0683 hectares). The site has a general rectangular shape and measures 27 metres in width by a maximum 26 metres in depth. The side garden to the east is overgrown. There is direct pedestrian access to the public footpath available via the front door of the dwelling. Informal parallel car parking is facilitated on areas of asphalt to the immediate south of the public footpath fronting the site.
- 1.2. There is an existing c. 2.7-metre-wide vehicular access gate with a corresponding dishd kerb positioned at the centre of the site frontage. The site frontage is defined by c. 1.4-metre-high metal railing and metal rail gates serving the vehicular access. The rear northern site boundary with Kildare Park is defined by a high, capped and plastered, block wall.
- 1.3. The subject site forms part of a row of single storey, predominantly semi-detached dwellings, on the northern side of Kildare Road. All dwellings along this row are of similar height and the vast majority share the same established building line. Many of the dwellings share similar design characteristics to that of the subject dwelling in terms of a front porch projection, slate roof, brick frontage and share the same or similar dimensions.
- 1.4. The dwellings on the southern side of Kildare Road and to the rear north at Kildare Park are all two storeys in height. The adjacent site to the immediate west (no. 348 Kildare Road) includes a similarly scaled and complementary single storey semi-detached dwelling to the front, a single storey rear extension of similar scale and proportions and a detached one and a half storey high structure further to the rear. The planning status of this said rear detached structure is unclear.
- 1.5. The front of the Appeal site forms part of the proposed development boundary for the adjacent proposed Local Authority Road Development (Tallaght/ Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme), See ABP Case Ref. no. ABP-316828-23 refers. This case was due to be decided by 08th February 2024. Further consideration is required.

2.0 Proposed Development

2.1. The proposed development includes both demolition and development.

2.2. The proposed **demolition** includes:

- A 6.4 sqm rear kitchen extension,
and
- 3 no. detached sheds to the rear of the dwelling with respective stated floor areas of 28.8 sqm, 20.4 sqm and 10.5 sqm (the total combined floor area of the existing sheds proposed for demolition equates to 59.7 sqm).

2.3. The proposed **development** includes:

- The construction of a total of 4 no. dwelling units in 2 no. Blocks.

Units 1 & 2 (Western Block)

- It is proposed to subdivide the existing single storey dwelling into 2 no. units and to provide 2 no. two storey extensions to the rear of same to form 2 no. semi-detached units, no's 1 & 2. This will form the Western Block.
- The 2 no. single storey elements to the front are proposed to be connected to the rear two storey elements by way of 2 no. flat roof extensions. An estimated maximum external ridge height of 6.6 metres (RL 50.47 metres) is proposed for the two storey rear extensions. This is 2 metres higher than the estimated external ridge height of the proposed front single storey elements at 4.8 metres (RL 48.5 metres). The two-storey ridge is set back 8.8 metres from the single storey ridge. An overall length/ depth of 13.2 metres is proposed.
- The existing cottage has an overall length of 10.9 metres. The proposal is to subdivide the cottage into 2 no. units of 5.4 metres (Unit 1) and 5.5 metres (Unit 2) in width.

Units 3 & 4 (Eastern Block)

- The remaining 2 no. semi-detached/ part single storey/ part two storey units (unit no's 3 & 4) are proposed to the east of units no's 1 & 2 in the side/ rear garden space and form a separate block where a separation distance of 1.8 metres is observed.

- Unit no's 3 & 4 are proposed to be set back 6.4 metres from the front site boundary. The proposed building line will be 4.3 metres behind the established front building line of the existing dwelling. This established building line is proposed to be observed by units 1 & 2.
- The maximum height of the two-storey element to the rear measures approximately 6 metres (RL 49.7 metres).
- A total of 5 no. car parking spaces are provided to the front/ south of units 3 & 4.
- Private open space is provided to the rear (north) of each unit and ranges from 32.9 sqm for unit no. 1 to 46.6 sqm for unit no. 4.
- All dwellings are stated to be designed as Part M/ Wheelchair accessible/ suitable for elderly living (4 no. dwellings in total).

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to Refuse permission on 13th December 2022 for the following reason:

1. *Having regard to the Z1 zoning objective for the site, Section 16.10.12 and Section 16.10.12 of the Dublin City Development Plan 2016-2022 with respect to residential extensions and infill housing and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, would have a negative impact on the scale and character of the existing dwelling and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that although the site may be suitable of accommodating an additional residential unit on the side garden of the existing semi-detached cottage, the layout, scale and design of the proposed development would have a negative impact on the character and scale of the existing dwelling. It was further considered that the proposal failed to integrate with its context, would appear overbearing and would have a negative visual impact on the character of the area. Accordingly, the Planner recommended that planning permission be refused for 1 no. reason which is consistent with the 1 no. reason for refusal as issued by the Planning Authority as per the decision issued on 13th December 2022.

3.2.2. Other Technical Reports

- The **Drainage Division** raised no objection to the proposed development subject to 7 no. standard conditions.
- The **Transportation Planning Division** recommended that Further Information be sought in relation to a revised single point of vehicular access and a revised parking layout.
- **Environmental Health Officer:** No Report.

3.3. Third Party Observations

- None.

4.0 Planning History

4.1. Subject Appeal Site (No. 346, Kildare Road)

- **3527/23 (Appeal Ref. no. ABP-317452-23):** Pandorus Limited. Permission for demolition of the existing vacant bungalow & existing rear shed and the construction of 4 no. 2 storey terraced houses. The Local Authority issued a decision to **REFUSE** permission for 1 no. reason on 1st June 2023, as follows:

1. *Having regard to the Z1 zoning objective for the site, Section 15.5.2 Infill Development and Section 9.0: Demolition and Replacement Dwellings (Appendix 18) of the Dublin City Development Plan 2022-2028, and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed demolition of an existing house in single occupancy and replacement with multiple new build units has not been justified and the proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.*

This Application is the subject of a current appeal to An Bord Pleanála. A decision in relation to the said appeal was due on 31st October 2023 and is therefore now overdue.

4.2. Adjacent site to south and within the overall locality

- **ABP-316828-23:** Tallaght/Clondalkin to City Centre Bus Connect Core Bus Corridor Scheme. **This case was due to be decided by 08th February 2024. Further consideration is required.**

5.0 Policy Context

5.1. Local Planning Policy

Dublin City Development Plan, 2022 to 2028

- 5.1.1. The current Dublin City Development Plan, 2022 to 2028, came into effect on 14th December 2022. The decision of the Local Authority, issued on 13th December 2022, was made under the former Dublin City Development Plan, 2017 to 2023. This appeal will be determined under the current Plan.
- 5.1.2. The Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The relevant zoning objective is: ‘To

protect, provide and improve residential amenities'. Residential is a use which is Permitted in Principle on lands zoned Z1 – Sustainable Residential Neighbourhoods.

5.1.3. Chapter 4 relates to the Shape and Structure of the City. This Chapter sets of the overarching framework and strategy to guide the future sustainable development of the City. High Quality 'placemaking' will be required to ensure a compact city where people want to live and work. Relevant Policies from this Chapter include the following:

- SC8: Development of the Inner Suburbs, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC13: Green Infrastructure, SC19: High Quality Architecture, SC20: Urban Design & SC21: Architectural Design

5.1.4. Chapter 5 relates to Quality Housing and Sustainable Neighbourhoods. Relevant Policies and Objectives from this Chapter include the following:

Policies:

- QHSN2: National Guidelines, QHSN6: Urban Consolidation, QHSN9: Active Land Management, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN14: High Quality Living Environment, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN18: Needs of Ageing Population, QHSN22: Adaptable and Flexible Housing, QHSN23: Independent Living, QHSN24: Reconfiguration of Family Homes, QHSN35: Diversity of Housing Type and Tenure, QHNS37: Houses and Apartments, BHA11: Rehabilitation and Reuse of Existing Older Buildings & BHA15: Twentieth Century Buildings and Structures.

Objectives:

- QHSNO4: Densification of the Suburbs, QHSNO10: Intergenerational Models of Housing & QHSNO11: Universal Design.

5.1.5. Chapter 14 of the Plan relates to Land Use Zoning.

5.1.6. Chapter 15 relates to Development Standards. Relevant Sections include the following:

- Section 15.4: Key Design Principles

- *Section 15.4.1: Healthy Placemaking, Section 15.4.2: Architectural Design Quality, Section 15.4.3: Sustainability and Climate Action, Section 15.4.4: Inclusivity & Accessibility, Section 15.4.5: Safe and Secure Design*
- Section 15.5: Site Characteristics and Design Parameters
 - *Section 15.5.2: Infill Development,*

Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e., gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.

Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

As such Dublin City Council will require infill development:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

- *Section 15.5.5: Density, Section 15.5.6: Plot Ratio and Site Coverage, Section 15.5.7: Materials and Finishes*
- Section 15.6: Green Infrastructure and Landscaping
- Section 15.7: Climate Action
- Section 15.8: Residential Development
- Section 15.11: House Developments
 - *Section 15.11.1: Floor Areas, Section 15.11.2: Aspect, Daylight / Sunlight and Ventilation, Section 15.11.3: Private Open Space, Section 15.11.4: Separation Distances (Houses) Floor Areas*
- Section 15.13 - Other Residential Typologies
 - *Section 15.13.3: Infill /Side Garden Housing Developments*

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. 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.

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.

The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- *The character of the street.*

- *Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.*
- *Accommodation standards for occupiers.*
- *Development plan standards for existing and proposed dwellings.*
- *Impact on the residential amenities of adjoining sites.*
- *Open space standards and refuse standards for both existing and proposed dwellings.*
- *The provision of a safe means of access to and egress from the site.*
- *The provision of landscaping and boundary treatments which are in keeping with other properties in the area.*
- *The maintenance of the front and side building lines, where appropriate.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.*
- *Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.*
- Appendix 1 – Housing Strategy (Annex 1 – Housing Needs Assessment (HNDA), Annex 2 - Dublin City Housing Supply Target Methodology & Annex 3 - Dublin City Sub-City HNDA), Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City, Appendix 4 – Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 7 – Guidelines for Waste Storage

Facilities, Appendix 12 – Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 – Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation.

5.2. Guidelines

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Design Manual for Urban Streets (2019)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes, (DoEHLG, 2009)

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or adjacent to a Natura 2000 site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale the development, which consists of the construction of the demolition of a shed, construction of an extension to create 2 no. dwellings and construction of 2 no. dwellings, in a serviced urban 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

- ***Item 1: Zoning Objective***
- The proposal complies with Z1 zoning objective.
- Currently on site there is one derelict bungalow. The site is neglected and that contributed to possible dumping and antisocial behaviour.
- Proposal seeks to retain and refurbish the existing dwelling to its former aesthetic while designing the 2 no. New Units in harmony with the existing aesthetic.
- The proposal complies with SC26, QH5, QH8, QH13 and QH21 of the Development Plan, 2016 to 2022 by way of innovative design/ by dividing the bungalow into 2 no. separate units.
- The proposal has maximised the efficiency of the space without compromising on the interior.
- The design is adaptable and flexible for the changing needs of the homeowner as set out in the Residential Quality Standards.

- ***Item 2: Scale, Mass, Height, Scale and Proportions/ Over-Bearing, Out of Scale/ Out of Character/ Visually incongruous, negative impact on the scale and character of the existing dwelling/ poor level of residential amenity in terms of provision of private open space.***
- The proposed Plot Ratio of 0.6 falls below the maximum allowance. The proposed Site Coverage is 51.24% which also falls below the threshold.
- The current design is in keeping with the scale, mass, design, height and proportions of the surrounding area.
- The design is considerate to the prevailing architectural context and would appear visually harmonious on the streetscape and would not have a negative impact on the scale and character of the existing dwellings.

- The Applicant requests the Board to see the similarities in the scale of 334A, 334B and 332A Kildare Road to the subject proposal.
- ***Item 3: A Daylight/ Sunlight Assessment was not submitted. Such an Assessment is required to facilitate an assessment of the impact of the development on adjoining property and which assesses the levels of daylight and sunlight within the proposed development.***
- The Applicant refers to a Study attached as Appendix D and states that the Board will see from this study that the effect is minor and does not affect their own.
- Daylight Issue. From the referenced floor plans, the Board will see that every habitable room has windows and doors and roof lights all with more than 10% glazing provided more than adequate daylight as set out in the Guide for Good Practice and BS EN17037.
- ***Item 4: Parking/ Vehicular Access/ Traffic Movements***
- There is 12.5 m of dropped kerbing proposed for 5 no. spaces and not 24.5 m for 4 no. spaces as per the Council description. The comments of the Road Departments are misguided as they appear to refer to a different parking layout.
- As per the Development Plan, the Applicant aims to reduce motor vehicle dependency by availing of the 6 no. Bus stops that frequently service all major areas. 5 no. parking spaces for 4 no. elderly living units was considered adequate. The Applicant was advised by their client that parking spaces are mainly used for drop-off and collection as many of their clients no longer drive.
- The Applicant refers the Board to the current accepted form of on-site parking. Cars currently obstruct the entire footpath and this appears to be the most common form of parking. The design mitigates risk as it allows residents to park their vehicles within the curtilage of their own dwellings, while not obstructing other road uses.
- **Flood Risk Assessment:** The subject site is within Flood Zone C. The Applicant states that it is noted the Drainage Division has no objection to the development subject to conditions.

- **Appropriate Assessment:** The Applicant states the development has been screened for AA and that it has been found that a full Appropriate Assessment is not required.

6.2. Planning Authority Response

- The Planning Authority request the Bord to uphold their decision. The Planning Department request that if permission is granted that the following conditions(s) be applied,
 - A condition requiring the payment of a Section 48 development contribution.
 - A naming & numbering condition.

6.3. Observations

- None.

6.4. Further Responses

- None.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning
- Design, Layout and Character of the Area
- Access, Traffic & Parking
- Other issues
 - Appropriate Assessment

- Flood Risk
- Daylight/ Sunlight

7.2. Zoning

- 7.2.1. The former Dublin City Council Development Plan, 2016 to 2022, was in force at the time of the Planning Authority's decision issued on 13th December 2022. Under that said Plan the subject Appeal site was zoned Z1 *'To protect, provide and improve residential amenities'*. Under the said former Plan and the associated Z1 zoning of the subject Appeal site, 'Residential' use was identified as a permissible use.
- 7.2.2. Under the current Dublin City Council Development Plan, 2022 to 2026, which came into force on 14th December 2022, the subject Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods, the zoning objective for which is *'To protect, provide and improve residential amenities'*. Residential use is permitted in principle on lands zoned Z1, subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Design, Layout and Character of the Area

- *Existing Character and Architectural Form*

- 7.3.1. The subject appeal site retains its original format comprising of a single storey semi-detached dwelling to the front with an undeveloped garden to the side. The remaining plots along this side of Kildare Road, proximate to the subject site, excluding plot no. 342, have all been redeveloped at various stages, and all include single unit residential developments in their respective side gardens, (see plot no's 344A, 348A, 350A, 352A, 354A and 356A). The predominant established architectural form, proximate to the subject appeal site, comprises of single storey, brick fronted, slate roofed, semi-detached cottage type dwelling structures (see plot no's 342, 344, 348, 350, 352 & 354).
- 7.3.2. All said dwellings include a narrow front porch projection with a semi-circular fan light window above the front door. All said dwellings are positioned to the front of each plot facing south and close to the adjacent footpath along the same or similar building line.
- 7.3.3. In the case of certain plots, a similarly scaled and dimensioned single storey extension has been constructed to the rear of the front single storey dwelling. In

certain other cases (see plot no's 352A, 354A & 356A in particular) a higher one and a half storey rear extension has been constructed. In the case of the adjacent property to the immediate west, no. 348 Kildare Road, a detached one and a half storey dwelling structure has been constructed although the planning status of same is unclear.

- 7.3.4. More recently, planning permission has been granted for a rear extension at no. 326 Kildare Road where a specific condition has been attached to amend the ridge height of the rear extension so that it does not exceed that of the existing single storey house, as planning reg. ref. no. WEB1237/21 refers (see condition no. 3).
- 7.3.5. In the case of planning reg. ref. no. WEB1570/23, permission has been granted for what I would consider to be a one and a half storey rear extension at no. 350A, as planning reg. ref. no. WEB1570/23 refers. Part of the Local Authority justification for approving this extension relates to the proposed ridge height, a further 300 mm above that of the adjacent dwelling and associated rear extension at no. 350A Kildare Road. The permitted rear ridge height is 1.53 metres above that of the ridge height of the existing single storey dwelling at no. 350A and is positioned 7.7 metres behind the existing ridge. The plot width at the location of the proposed rear extension is 10.4 metres.
- 7.3.6. Within the general vicinity of the appeal site, there are no directly comparable existing two storey rear extensions to that of the subject proposal, particularly in terms of size and scale. Nor indeed are there any other precedent cases where 4 no. dwellings have been constructed on an overall site of comparable size.
- 7.3.7. The established architectural form, in my opinion, contributes positively to the character and appearance of the area.
- *Design and Layout/ Subdivision of existing dwelling*
- 7.3.8. The Board will note specific guidance and recommendations contained in Section 15.5.2 (Infill Development), Section 15.13.3 (Infill/ Side Garden Housing Developments) and Appendix 18 of the Plan. The proposals, in my opinion, fail to demonstrate a positive response to the existing context, primarily by reason of the lack of regard to established building plot widths and established architectural form.

- 7.3.9. Although the use of red brick and slate are materials which are sympathetic to the established character and setting, it is my view that the proposed architectural forms and detailing do not contribute positively to the character and appearance of the area. In my opinion the proposals do not serve to positively interpret the specific architectural features which make a positive contribution to the area.
- 7.3.10. Guidance in relation to the sub-division of dwellings is set out in Section 6.0 of Appendix 18 of the Plan. The Board will note the restricted size of the existing dwelling (estimated floor area of 45 sqm), the restricted length (10.9 metres) and height (4.6 metres) and the established architectural features of the dwelling, which include brick finishes, slate roof and the existing front porch projection positioned one third of the way along the front elevation and symmetrical with that of the adjacent dwelling to the west at no. 348 Kildare Road. In my opinion, the subject dwelling does not readily lend itself to sub-division as proposed.
- 7.3.11. This proposed sub-division, together with the remaining development proposed, including the 2 no. rear two storey extensions which form units 1 & 2, the part single storey/ part two storey design of units 3 & 4, the proposed 3 no. (A Gable) front projections to same and the proposed building line set back for these said units, in my opinion, results in an overall design proposal which is not compatible with the established architectural character of the area.
- 7.3.12. The existing single storey dwelling structure and is not, in my view, as readily adaptable for subdivision as say a two-storey dwelling in a similar suburban setting. Therefore, in my opinion, the subdivision of the existing single storey dwelling into 2 no. units and the proposed two storey extensions to same, is not appropriate, is out of character, fails to make a positive contribution to the area and, if permitted, will set an undesirable precedent for similar proposals into the future.
- *Out of Scale/ Overbearing*
- 7.3.13. Although, the proposed plot ratio (0.6) and site coverage (51%), are within recommended ranges for Outer Employment and Residential Areas as set out in Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) of the Development Plan, it is my opinion that the proposals are out of scale with the prevailing low density and predominant single storey design

character of the area, particularly along the northern side of the Kildare proximate to the subject appeal site.

- 7.3.14. Although there is an existing one and a half storey detached structure to the rear of the adjacent property to the immediate west, no. 348 Kildare Road, the Board is advised that the planning status of this structure is unclear and that it should therefore not be relied upon as an applicable precedent.
- 7.3.15. The proposed relationship between the scale of the existing dwelling and that of the proposed two storey rear extension is perhaps best illustrated on the proposed elevation drawing no. 1.1.205, see proposed east elevation 1. As can be seen the proposed two storey extension is of considerably larger scale to that of the existing structure. Similarly, on the same drawing, proposed west elevation no. 1 shows the relationship between the same said proposed rear two storey extension and that of the existing single storey dwelling and associated rear extension at no. 348 Kildare Road.
- 7.3.16. In my opinion, the proposed rear two storey extension is overly dominant and out of scale with that of the existing dwelling, the overall established pattern of development and established architectural character of the area.
- 7.3.17. Although units 3 & 4 are set back further into the site, have a maximum ridge height which is below that of units 1 & 2, a lower front ridge height for the single storey element below that of adjacent dwellings and is set back off the eastern side boundary by 1 metre, I would have concerns as to the cumulative overbearing nature and scale of these units, particularly upon the established residential amenities of no. 344A Kildare Road.
- 7.3.18. I do not accept the opinion of the Applicant that the current design is in keeping with the scale, mass, design, height of the surrounding and proportions of the area nor indeed that the proposals would appear visually harmonious on the streetscape and would not have a negative impact on the scale and character of the existing dwellings. Although the Applicant has referenced what they consider to be similarities of the proposal to the scale of house no's 334A, 334B and 332A, I do not accept that these said examples are directly comparable to the setting and context of the appeal site.

- *Residential Amenity/ Private Open Space*

- 7.3.19. Private open space is provided to the rear (north) of each unit and ranges from 32.9 sqm for unit no. 1 to 46.6 sqm for unit no. 4. As per Development Plan recommendations (Section 15.11.3) a minimum standard of 10 sqm of private open space per bedspace will normally be applied. As per recommendations contained in the Quality Housing for Sustainable Communities Guidelines, 2007, units 1 & 2 constitute a 3 Bed/ 5 Person house and units 3 & 4 constitute a 3 Bed/ 6 Person house. Units 1 & 2 therefore generate a minimum requirement for 50 sqm each and units 3 & 4 generate a minimum requirement for 60 sqm of private open space.
- 7.3.20. In the case of units 1 & 2, access to the rear garden is via a patio door from Bedroom no. 1. Access is also proposed to the rear garden space of unit no. 1 via a path to the rear of unit no. 2. In addition, the rear garden of units 1 & 2 are not overlooked from a window of a living area or kitchen.
- 7.3.21. In my opinion, the quantum and layout of private open space on the site does not accord with recommendations contained in the Development Plan, offers a poor level of residential amenity and is therefore not acceptable.
- 7.3.22. The recommendations for Minimum Private Open Space for Houses as set out in SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, are noted, i.e., 40 sqm for a 3-bedroom house. Notwithstanding, the current proposals for unit 1 & 2 are below this minimum standard.

- *Floor Areas*

- 7.3.23. The Applicant has submitted a Schedule of Floor Areas as part of the planning application documentation. The proposed Floor Areas are broadly compliant with recommendations contained in the Quality Housing for Sustainable Communities Guidelines, 2007. It is noted however that the Aggregate Living Areas for units 3 & 4 are below the recommended standard of 37 sqm at 35.1 and 33.7 sqm respectively.
- 7.3.24. In conclusion, I would agree with the assessment of the Local Authority that the proposed development, as presented, and by reason of its scale, mass, design, height and proportions would be over-bearing, out of scale and character compared to the prevailing architectural context. I would further agree that the proposed

development would appear visually incongruous in the streetscape and would have a negative impact on the scale and character of the existing dwelling. The proposals are also considered to be substandard in terms of the quantum and layout of public open space and in terms of minimum floor space requirements.

7.3.25. In this regard, it is my opinion that the proposed development, as presented, and by reason of the proposed design, scale, mass and layout does not accord with policies SC11 (Compact Growth), QHSN6 (Urban Consolidation), QHSN10 (Urban Density) and BHA11 (Rehabilitation and Reuse of Existing Older Buildings) and to recommendations contained in Section 5.5.2 (Infill Development) and Section 15.13.3 (Infill /Side Garden Housing Developments) of the Development Plan.

7.3.26. Permission should be refused.

7.4. Access, Traffic & Parking

7.4.1. The appeal site is currently served by 1 no. c. 2.7-metre-wide vehicular entrance and an associated dishd kerb. It is proposed to remove the existing front boundary of the site and to provide a total of 5 no. in curtilage car parking spaces to the eastern side of the existing entrance. The sole new front boundary treatments comprise of 2 no. low brick walls to the front of units 1 & 2.

7.4.2. This pattern and extent of in curtilage perpendicular parking is not replicated in the general area.

7.4.3. The subject appeal site, by reason of its location immediately adjacent to a planned Bus Connects corridor (Case Ref. No. ABP-316828-23), in my opinion, falls within the Parking Zone 2 category as set out in the Development Plan.

7.4.4. A Development Plan standard of 1 no. car parking space per dwelling applies in Parking Zone 2 in the case of conventional housing and 1 no. space per 2 dwellings in the case of elderly persons housing/ sheltered housing, see Section 4.0 of Appendix 5 of the Development Plan. This creates a maximum demand for 4 no. spaces in the case of conventional housing and 2 no. spaces in the case of elderly persons/ sheltered housing. The Applicant proposes a total of 5 no. car parking spaces which exceeds the maximum development plan standards. In my opinion, the subject development does not represent an exceptional case where an exceedance of the maximum standards may be acceptable, as per guidance set out in Section

4.0 of Appendix 5 of the Development Plan. Therefore, in my opinion, the proposals represent an overprovision of car parking.

- 7.4.5. The subject site, in my view, is located in an Urban Neighbourhood as defined in Chapter 3, (Table 3.1 and Table 3.2) of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. In such areas, and as per SPPR 3, Car Parking provision should be minimised, substantially reduced or wholly eliminated. The Guidelines state that the maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the Planning Authority, shall be 1 no. space per dwelling. Notwithstanding this guidance there is still, in my opinion, an overprovision of car parking proposed.
- 7.4.6. Further guidance is provided in the said Section 4.0 of Appendix 5 of the Plan with regard to a predisposition to consider residential off-street car parking, subject to design and safety criteria, particularly along Core Bus Corridors (CBCs) and to facilitate traffic management proposals.
- 7.4.7. The Traffic Safety concerns raised by the Transportation Department which include the excessive width of the proposed vehicular access adjoining perpendicular parking, the retention of the existing vehicular access, the associated extent of dishd kerb required at the footpath and associated road safety issues caused by such manoeuvres are noted. I would share the same traffic safety concerns.
- 7.4.8. The Board will note the adjacent proposals for parallel car parking on the opposite side (south) of the Kildare Road presented under the current Bus Connects Scheme (Case Ref. No. ABP-316828-23). The Board will also note proposals adjacent to the front of the appeal site which include an estimated 2.5-metre-wide footpath and a 1.5-metre-wide cycle track adjacent and to the south of same.
- 7.4.9. In the absence of any definitive information to the contrary, I am not satisfied that the proposed development, as presented, is acceptable from a traffic safety perspective.
- 7.4.10. The Board may wish to decide whether the subject proposals are premature pending the outcome of the Bus Connects Scheme (Case Ref. No. ABP-316828-23).
- 7.5. Other issues

▪ **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

- **Flood Risk**

7.5.2. The subject Appeal site is located within a Flood Zone C. The proposed development is therefore acceptable from a Flood Risk perspective.

- **Daylight/ Sunlight**

7.5.3. As part of the appeal submission the Applicant refers to 4 no. shadow analysis drawings. The Applicants' comments are noted. In my view the submitted drawings are a shadow analysis only and do not serve to address the concerns raised by the Local Authority with regards to Daylight and Sunlight.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the Z1 zoning objective for the site '*to protect, provide and improve residential amenities*', Section 15.5.2 (Infill Development), Section 15.13.3 (Infill/ Side Garden Housing Developments), Section 1.0 (Residential Extensions) and Section 6.0 (Sub-Division of Dwellings) of Appendix 18 of the Dublin City Development Plan 2022 – 2028, and to the scale, mass, design, height and proportions of the proposed development, it is considered that the development would be over-bearing, out of scale and out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, would have a negative impact on the scale and character of the existing dwelling and would provide a poor level of residential amenity in terms of the provision of private open space. The proposed development would, therefore, by itself and by reason of the

undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.

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.

Frank O'Donnell
Planning Inspector

9th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315572-23			
Proposed Development Summary	Demolition of sheds to rear. Permission for i) the subdivision of existing cottage, ii) extension to rear of cottage to create 2 no. dwellings, iii) construction of 2 no. dwellings in the side garden. All dwellings designed as Part M/ Wheelchair accessible/ suitable for elderly living (4 no. dwellings in total).			
Development Address	346 Kildare Road, Crumlin, Dublin 12, D12 X06N			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required	
No	√	N/A – Below threshold	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√	Class/Threshold..... 10 (b)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-315572-23	
Proposed Development Summary	Demolition of sheds to rear. Permission for i) the subdivision of existing cottage, ii) extension to rear of cottage to create 2 no. dwellings, iii) construction of 2 no. dwellings in the side garden. All dwellings designed as Part M/ Wheelchair accessible/ suitable for elderly living (4 no. dwellings in total).	
Development Address	346 Kildare Road, Crumlin, Dublin 12, D12 X06N	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development to 4 no. residential units (stated area 0.0683 ha) is within an area zoned residential in the Dublin City Development Plan 2022-2028. The proposed development is to connect to public services. As per the documentation submitted, including the Drainage Design Report, the proposed development will not result in significant emissions or pollutants.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	This proposal is for the construction of 4 no. residential units and is far below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended). Please refer to the Planning History Section of this Report. No significant cumulative considerations.	No No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Residential Development on serviced site on zoned lands and proposal includes regard to surface water drainage and the incorporation of SuDS. A Flood Risk Assessment has been submitted which states the site has not records of coastal or fluvial flooding events.</p>	<p>No</p> <p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)