



An
Bord
Pleanála

Inspector's Report ABP-315886-23

Development

Demolition of the existing shed, partial demolition of the front and side boundary wall and the construction of a new detached, two-story, two-bedroom house, a single-storey shed, new boundary wall, new vehicular access, 1no. parking space, associated SUDS drainage and hard and soft landscaping.

Location

8 Olney Crescent, Terenure, Dublin 6W.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB2055/22.

Applicant(s)

Siobhan Corcoran & Michael Timmons.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)	Siobhan Corcoran & Michael Timmons.
Observer(s)	None.
Date of Site Inspection	31 st of May 2023.
Inspector	Adam Kearney.

1.0 Site Location and Description

- 1.1. The appeal site is a side garden of No. 8 Olney Crescent. Olney Crescent/Grove is a mature cul de sac residential development located off the Templeogue Road circa 200m south of Terenure Village. It predominantly consists of two storey detached and semi-detached properties of various designs and ages. The houses have modest front and rear gardens with mature trees and hedging a common feature.
- 1.2. No. 8 is located on a corner plot, the architectural style can be expressed as traditional semidetached with decorative painted plaster interspersed with brick detailing to the façade that harmonises with external brick piers. Roof types are pitched tile with hipped roofs prominent. The side garden of No. 8 is a well-maintained private open space. There is one of a series of mature deciduous trees planted on the public footpath edge northwest of the property. Car parking in the area is a mixture of off-street and on-street parking.

2.0 Proposed Development

- 2.1. Demolition of the existing shed, partial demolition of the front and side boundary wall and the construction of a new detached, two-story, two-bedroom house, a single-storey shed, new boundary wall, new vehicular access, 1 no. parking space, associated SUDS drainage and hard and soft landscaping.

3.0 Planning Authority Decision

3.1. Decision

By Order dated the 27th of January 2023 Dublin City Council decided to refuse permission for the following reason:

“Having regard to the Z1 residential zoning for the area and Section 15.13.3 Infill/Side Garden Housing Developments, as set out in Dublin City Development Plan 2022-2028, to the layout and siting of the proposed development on an exposed corner site, which significantly breaks the established building line on Olney

Crescent to the north-east, it is considered that the proposed development would appear visually incongruous and would have a negative visual impact on the character of the area. The development would therefore depreciate the value of property in the vicinity and would 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 27th of January 2023

- Expresses overall satisfaction with internal and external design, open space and residual open space for the existing dwelling.
- Concerns are raised in relation to the building line being breached to the northeast.
- Concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

3.2.3. Transportation Office - No Objection subject to conditions

- 2.6m entrance
- Removal of utility pole
- Dished footpath

3.2.4. Drainage – No Objection subject to standard conditions

4.0 Planning History

No recent and/or relevant planning history

5.0 Policy and Context

5.1. National and Regional Policy

The **National Planning Framework** (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking
- NPO 35 encourages increased residential density through a range of measures, including site-based regeneration and increased height.

5.2. National/Ministerial Guidelines

5.2.1. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

Section 5.9 relates to inner suburban / infill developments, promoting the provision of additional dwellings in such locations where it can assist in revitalising an area and utilise the capacity of social and physical infrastructure. For infill development (which includes backland areas) the Guidelines advise that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2.2. **Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities, DoEHLG, 2007.**

QHSN10 Urban Density

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.

QHSNO4 Densification of Suburbs

To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

5.3. **Development Plan**

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

Chapter 15 of the Development Plan sets out the development management standards. Section 15.13.3 of the Development Plan deals with the matter of Infill /Side Garden Housing Developments:

“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.

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.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

5.4. **Natural Heritage Designations**

None within the zone of influence.

5.5. **EIA Screening**

5.6. The proposed development is a single infill dwelling in an established residential area not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- Planners report shows that the proposal complies fully with the objectives of the development plan and the only issue raised by the local authority is the maintenance of the front and side building line. The appeal includes an A3 booklet illustrating several instances of similar proposals across the city which resemble the configuration of the subject proposal.
- Emphasises that it is vital for infill and corner sites to be developed to address the housing shortage and cites supporting national policy and guidance for densification.

- Questions the claims by the Local Authority that the proposal would have a negative visual impact and would lead to a depreciation in the value of property in the vicinity.

6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds for appeal.

6.3. **Observations**

No Observations

6.4. **Further Responses**

No Further Response

7.0 **Assessment**

7.1. I have read the entire contents of the file, visited the site in question and have had regard to the issues raised in the grounds of appeal. Having regard to the residential zoning objective for the site and the planning precedent for similar types of side garden residential developments in the wider metropolitan area I would concur with the Planning Authority in this case that the general principle of a dwelling to the side of 8 Olney Crescent is acceptable and consider the design and siting of the proposed dwelling to be the primary planning issue to be considered.

7.2. The Local Authority determined that the northeastern building line (building line to the rear) is breached, and this forms a substantive part of the decision to refuse permission. I am not in agreement with this assessment as the very nature of developing side plots (located on corners) that serve to extend a row or terrace of dwellings will invariably break a secondary notional building line created when a scheme was first constructed. This is unavoidable if densification of low-density areas is to materialise and therefore cannot be considered a building line to be respected within the development plan objective.

7.3. I note that not all of the criteria under Section 15.13.3 of the Development Plan have been considered in the Local Authority assessment, of particular note is the criteria that pertains to common boundaries with the public realm;

- *“Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided”*

In the subject application the proposed northwestern gable of the new dwelling is to replace the existing northwestern property boundary. I agree with the Development Plan criteria as laid out above and believe the design approach where a full two storey gable is sought on the boundary is unacceptable. This approach should be avoided in order to protect the public realm and to avoid overbearing development bounding the footpath which in this instance incorporates a mature deciduous tree.

Albeit this assessment responds to Section 15.13.3 which was cited in the Local Authority reason for refusal it could be construed as a **new issue** in terms of the appeal as it highlights a particular criterion not previously considered.

7.4. It is proposed to have a 750mm wide separation between both dwellings in the form of a footpath to serve the new dwelling only. There is no indication as to how the existing dwelling will be served in terms of bicycle parking, deliveries, refuse etc. There may be an intention to share this narrow footpath, but such an arrangement may become problematic were one or other of these dwellings to be disposed of at a future date. I believe it is ill advised to extinguish an access to the rear for a semi-detached dwelling where the result may cause unneeded storage of bins etc in the semi-private open space typical of a terraced property. Based on the foregoing I consider that the proposal demonstrates a failure to meet the functional needs of future residents and would give rise to a substandard level of residential amenity.

7.5. I note that the stated plot width available for development is circa 8.3m. I suggest a future design iteration could provide scope for a narrow setback footpath inside the northwest boundary, such an approach would require a more slender footprint than that proposed but would also allow for a second dedicated footpath for the existing dwelling.

7.6. The criteria in Section 15 of the Development Plan also differentiate between plots as follows.

‘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’.

- 7.7. I am satisfied that the subject site can be considered as compact, but I don't see a close relationship between the proposed design and the existing architectural form, I believe the northwest elevation could be a hipped roof to lessen the abruptness of the proposal or that a more modern approach could utilise a flat roof design.
- 7.8. In terms of visual impact and notwithstanding in the current application it is proposed to develop up to an including the boundary I would **not** agree with the Local Authority that the impact of the siting of a modest sized dwelling on a side plot would be such as to depreciate the value of property in the area.
- 7.9. While I am satisfied with the principle of a dwelling on the site, I believe the design and siting would be difficult to remedy by way of condition as it would necessitate a fundamental re-design.

7.10. **Appropriate Assessment Screening**

Having regard to the small scale nature of the proposed development (a single infill dwelling) and the nature of receiving environment being an established built up urban area and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 **Recommendation**

- 8.1. I recommend that the decision of the Local Authority be upheld, and that permission be refused for the proposed development for the following reasons.

9.0 **Reasons and Considerations**

Having regard to Section 15.13.3 of the Dublin City Development Plan 2022-2028 and notwithstanding that the principle of development on this corner site is

acceptable, the design and siting of the proposed dwelling would be contrary to the criteria as laid down in the county development plan (**side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided**), and would set a sub-standard precedent resulting in a development incongruous with the character and established pattern of development in the area and be contrary to the proper planning and sustainable development of the area.

Moreover, the proposed site layout configuration on what is a compact site is such that it would serve to lessen the current level of amenity afforded to the existing dwelling at No. 8 Olney Crescent by removing external side access in favour of the proposed dwelling. As such the proposal demonstrates a failure to meet the functional needs of future residents and would give rise to a substandard level of residential amenity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

10.0 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.

Adam Kearney

Planning Inspector

28th of June 2023