



An  
Bord  
Pleanála

## Inspector's Report ABP316447-23

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<b>Development</b>	Planning permission for the demolition of an existing single storey side extension and the construction two new dwelling houses.
<b>Location</b>	51 Dunard Drive, Cabra West, Dublin 7.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	WEB1657/22
<b>Applicant(s)</b>	John and Brenda Carney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party vs Grant
<b>Appellant(s)</b>	Dunard Residents Association and three other named parties.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> August 2023
<b>Inspector</b>	Leah Kenny

## 1.0 Site Location and Description

The subject site is the side garden of No. 51 Dunard Drive, Cabra West, Dublin 7, at the corner of Dunard Drive and Dunard Walk in a well-established suburban housing estate characterised by two-storey terraced housing.

The site is at the end of a terrace which runs eastwards along Dunard Drive (comprising Nos. 52 – 55 Dunard Drive) and its rear boundary wall adjoins the side of No. 1 Dunard Walk to the south.

The site has a stated area of 525.4m<sup>2</sup>.

## 2.0 Proposed Development

The proposed development consists of subdividing the existing property into three dwellings, the original dwelling and two new dwellings. In summary the following is proposed:

- Demolition of an existing single-storey side extension to No. 51 Dunard Drive.
- Construction of one two-storey mid-terrace dwelling house (House A) and one two-storey end-of-terrace dwelling house (House B). Both new dwellings have a stated GFA of 99.45sq m comprising at ground floor level a kitchen, living room, WC and storage, and at first floor level three bedrooms, a bathroom and storage.

No. 51 would retain a rear garden of 79.5sqm; House A would have a rear garden of 64.4sqm and House B would have a rear garden of 74sq m.

- Modifications to the existing vehicular entrance and drive from Dunard Drive to provide for off-street parking for the existing and proposed dwellings (1 no. car parking spaces per dwelling). The two new dwellings will share the same new vehicular entrance.

Water supply would be via the existing public mains, and it is proposed to discharge foul and surface water to the public sewer.

The design of the proposed development was amended in response to the planning authority's request for further information. The alterations included reducing the ridge height, omitting the twin gables and re-aligning windowsill and head heights to

match the existing dwelling. The revisions made to the proposed development were not deemed to be significant and therefore did not require new public notices.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 31st March 2023, Dublin City Council decided to grant permission for the development subject to 12 no. conditions. Conditions of note include:

5. The external finishes of the proposed dwellings to match and/or harmonise with existing terrace houses to protect existing visual amenities and character of the area.
8. The applicant shall comply with requirements of Transportation Planning Division of Dublin City Council, including driveway entrances shall both be a maximum of 3.0m in width and shall not have outwards opening gates.

### **4.0 Planning Authority Reports**

#### **4.1.1. Planning Report**

The planning report is the basis of the planning authority's decision to grant permission. The key considerations of the Case Planner's initial report focused on compliance with the policies set out in the Dublin City Development Plan 2016-2022 and relevant guidelines, the planning history of the site, and matters raised in third-party submissions.

The main issues addressed in the report included the standard and quality of accommodation relative to minimum floor area standards, the visual impact of the proposed development on the character of the area, and the potential to impact neighbouring properties (including overlooking and overshadowing).

Further Information was requested on the 9<sup>th</sup> September 2022 in relation to the following three items:

1. Applicant to provide proposals to address the planning authority's concerns relating to the design of the proposed development relative to the character of the area.

2. Applicant to provide proposals to address the planning authority's concerns relating to the size of the living room, a bedroom and storage areas having regard to minimum standards set out in Quality Housing for Sustainable Communities – Best Practice Guidelines for delivering Homes Sustaining Communities.
3. Applicant to provide drainage information demonstrating adequate management of surface water.

The second part of the Case Planner's report considers the further information received on the 6<sup>th</sup> March 2023 and the new Dublin City Development Plan 2022-2028 and recommended that planning permission be granted subject to 12 no. conditions.

The application was screened for Appropriate Assessment and the screening showed no potential for significant effects. The application was also screened for Environmental Impact Assessment, and it was concluded at preliminary examination that there is no likelihood of significant effects.

#### 4.1.2. **Other Technical Reports**

- Transportation Planning Division – No objection subject to conditions.
- Drainage Division – Additional information was initially requested on how the applicant would deal with surface water. Following receipt of further information, the division reported no objection to the proposed development subject to conditions.
- Irish Water – No response.

#### 4.1.3. **Third Party Observations**

Five third party observations were submitted to the planning authority during its determination of the planning application. The substantive issues raised in these submissions have also been raised in the Third Party's ground of appeal submitted to the Board.

## 5.0 Planning History

The subject site has an extensive planning history; the most relevant and recent applications are:

- **PA Ref. 2656/09 / PL 29S 233886:** Permission was refused for demolition of the existing single-storey side extension and rear shed and construction of two no. two-storey dwellings. This decision of the planning authority was upheld by An Bord Pleanála following a First Party Appeal. The reason for refusal related to the proposed development breaching the building line on Dunard Walk and materially contravening a condition attached to a previous permission.
- **PA Ref. 4868/08:** Permission was granted for demolition of the existing single-storey side extension and rear shed and construction of one two-storey dwelling. Condition No. 2 required the omission of a second (westernmost) house from the original proposed development. This permission was not built out.

## 6.0 Policy and Context

### 6.1. Development Plan

The original application (submitted 19<sup>th</sup> July 2022) was considered under the Dublin City Development Plan 2016 – 2022. By the time further information was submitted on 6<sup>th</sup> March 2023 the new development plan was in place and the proposed development was considered under it i.e., the Dublin City Development Plan 2022 – 2028

In the Dublin City Development Plan 2022 – 2028, the subject site is zoned Objective Z1 (Sustainable Residential Neighbourhoods). The stated objective for such lands is 'to protect, provide and improve residential amenities' (unchanged from the previous plan).

Chapter 5 of the Development Plan addresses Quality Housing and Sustainable Neighbourhoods, and deals with policies and objectives for residential development. It includes:

- Policy QHSN6 - Urban Consolidation: 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.

- Policy 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.

The standards and criteria to be considered in respect of new development are set out in Chapter 15 of the Development Plan, and this includes Section 15.11 which deals with the standards and criteria for ‘House Developments’ including floor areas, private open space, separation distances and aspect, daylight / sunlight and ventilation. Section 15.13.3 specifically considers the standards and criteria to be applied to ‘Infill / Side Garden Housing Developments’. It outlines the following criteria to be used in assessing proposals for the development of infill / 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.

In addition, the following relevant Ministerial Guidelines apply:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (DoEHLG, 2009).
- Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes.
- Sustaining Communities (DoEHLG, 2007).

## 6.2. Natural Heritage Designations

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

## 6.3. EIA Screening

Having regard to the modest scale and nature of the proposed development and the absence of any foreseeable emissions therefrom, the location of the site within a built up urban area, the availability of public piped services to accommodate the foul effluent arising therefrom, I conclude that the necessity for submission of an EIAR and carrying out of EIA may be set aside at a preliminary stage.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The main grounds of appeal by the Dunard Residents Association and three other named parties are as follows:

- The proposed development will result in excessive overdevelopment on a corner site.
- The proposed development is not in keeping with the layout of the estate.
- The proposed development will result in overlooking of houses from the rear.
- The additional houses will exacerbate the problem of existing residents (of No 51 Dunard Drive) parking along the side of the house along Dunard Walk.
- The proposed development will make it difficult for residents at 1 Dunard Walk to exit their garden because of the location of the rear boundary wall of the proposed two-storey end-of-terrace dwelling.
- 8. An additional concern is that if either house was ever sold and thereafter owned separately, the mid terrace could put up a fence or hedge along their property line, removing vehicular and pedestrian access for the end terrace.

### 7.2. Applicant Response

The response of the First Party considered the grounds of the appeal were not sufficiently weighty to overcome the very significant and positive features of the proposal, as recognized in the decision of the planning authority to grant permission.

Key responses included:

- The proposed development reflects the prevailing architectural styles and materials and will respond positively to the existing character of the area.
- The proposal will not injure the amenities of adjoining residential properties by way of overlooking, overbearing or overshadowing.
- The proposal will not create a traffic hazard.



### 7.3. **Planning Authority Response**

The Planning Authority asked An Bord Pleanála to uphold their decision to Grant Permission for the development and to apply conditions relating to the payment of a Section 48 development contribution and requiring the payment of a bond.

### 7.4. **Observations**

There were no observations.

### 7.5. **Further Responses**

Not applicable.

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the Third Party Appeal, the response of the First Party, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle
- Impact on residential amenity.
- Visual impact.
- Boundary treatment and sight lines

Each of these issues is addressed in turn below.

### 8.1. **Principle of Development**

- 8.1.1. Having regard to the residential zoning of the area where the appeal site is located, the Development Plan policy to support higher residential densities in serviced urban areas and the planning history of the wider area, I conclude that the proposed development is acceptable in principle.

- 8.1.2. I also consider the principle of the development on a corner site within the curtilage of an existing property and within an established residential area, such as the appeal site, to be actively encouraged and supported by Policy Objective QHSN6 (Urban Consolidation) and Objective QHSN10 (Urban Density) with the proviso that the prescribed standards and safeguards set out in Chapter 15 (Development Standards) of the Development Plan can be met.
- 8.1.3. The appellants state the proposed development represents excessive overdevelopment of a corner site.
- 8.1.4. As noted above, the principle of the development on a corner site within the curtilage of an existing property is actively encouraged and supported by Policy Objective QHSN6 and Objective QHSN10. The development of a dwelling or dwellings in the side garden of an existing house is actively encouraged in policy where proposals for development are cognisant of the prevailing pattern of development, the character of the area and where all development standards are observed. While recognising that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill, such development provides for the efficient use of valuable serviced residential land and promotes consolidation and compact growth.
- 8.1.5. The subject site is a large corner site, in a relatively low-density housing estate. As is, the side garden site has the potential for infill / corner site development; however, with the demolition of the single storey side extension the site represents an opportunity for further development.
- 8.1.6. In the first instance, I note that the proposed development meets the accommodation standards for House Developments' as set out in Section 15.11 of the Development Plan and also complies with the requirements for three bed 5 person houses as set out in the Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes. It also meets the necessary private open space provision requirements. I further note that it is set out in straightforward and functional way, with either a rear garden or rear / side garden, consistent with the general pattern in the area.
- 8.1.7. I have also reviewed the criteria on the basis for which Infill / Side Garden Housing Developments are to be assessed (Section 15.13.3 of the Development Plan) and I

consider the proposed development to generally comply with all criteria. Specific criteria are considered further below in response to specific issues by the appellants.

8.1.8. Having regard to the foregoing, I consider the proposed development to be an appropriate infill development, which complies with Policy Objective QHSN6 (Urban Consolidation), Objective QHSN10 (Urban Density), the relevant requirements of Section 15 of the Development Plan and Quality Housing for Sustainable Communities - Best Practice Guidelines for delivering Homes.

## **8.2. Impact on Residential Amenity**

8.2.1. The appellants state the proposed development will result in overlooking of the façades of properties along Dundard Walk from the windows within the rear elevation of the proposed new dwellings. However, these windows would face towards the front garden and side elevation of No. 1 Dundard Walk and there would be no overlooking the main habitable rooms or private open space / gardens of properties along Dunard Walk. Accordingly, I am satisfied that the proposed development will not result in overlooking.

8.2.2. I also note the appellants concern relating to the use of the Dundard Walk for parking by the existing residents of No. 51 Dunard Drive. However, in respect of the subject planning application, the proposed development meets the maximum car parking standards, and this car parking can be provided within the curtilage of the new dwellings.

8.2.3. I further note that the appellants concern that if either house was ever sold and thereafter owned separately, the mid terrace could put up a fence or hedge along their property line, removing vehicular and pedestrian access for the end terrace. However, the new entrance is clearly intended to serve both new dwellings, and planning permission will require the development to be built out in accordance with the plans and particulars submitted with the planning application. In the event of selling the property, compliance with planning and right of access would be matters to be addressed as part of conveyancing.

8.2.4. Having regard to the foregoing, I do not consider the proposed development would seriously injure the residential amenities of the area or of property in the vicinity. I therefore conclude the proposed development to be in accordance with the proper planning and sustainable development of the area.

### **8.3. Visual Impact**

- 8.3.1. The appellants state the proposed development is not in keeping with the layout and character of the estate.
- 8.3.2. In terms of layout, the proposed development will continue the existing terrace format along this section of Dunard Drive (including Nos. 52 – 55). The terrace is the dominant typology in the estate albeit with variations in length and building lines (with some stepping of the building line evident). I also note that the layout of the estate does not include any configurations whereby houses address the corners of roads, therefore gable walls are set back behind boundary walls. Having regard to the above, I consider the continuation of the existing terrace format along this section of Dunard Drive to be consistent with the prevailing pattern of development and character of the area.
- 8.3.3. In terms of design, I have reviewed the drawings submitted as part of the application, and I agree with the Case Planner's concerns relating to the height and design of the development, as originally proposed. I consider the revised design approach to be an appropriate response to the Council's concerns and to comply with the requirements of Section 15.13.3 of the Development Plan relating to 'Infill / Side Garden Housing Developments'. In this regard, the reduction of the ridge height and modifications to the windowsill and head heights to match existing houses on the terrace, in addition to omitting the twin gables and introducing a brick and render finish has enhanced the level of visual harmony between the proposed development and nearby dwellings.
- 8.3.4. I consider that the revised design is a significant improvement on the original proposal and therefore the concerns of the appellants have been addressed by this design revision. I conclude therefore that the design and layout of the proposed development is consistent with the established pattern of residential development in the area.

### **8.4. Boundary Treatment and Site Lines**

- 8.4.1. The appellants (residents of No. 1 Dunard Walk) state that constructing the proposed dwellings will require building a back wall along the side of their front garden; that

this is likely to be higher than what is there now; and *inter alia* would impact on their ability to see oncoming traffic when existing their front garden.

8.4.2. From my site visit I note that the original low pebble dash and capped boundary wall of the subject site has been raised using bare concrete blocks. I also note that the planning application drawings do not clearly depict this existing wall, and the planning application does not provide any details as to what will happen to the boundary wall; albeit the response to the Third Party Appeal (at page 8) makes general reference to the fact the 'landscaping and boundary walls will match the existing boundary treatments of neighbouring properties within the estate'. I consider that the appellants have therefore raised a valid concern that the application is unclear as to the treatment of the boundary walls.

8.4.3. I refer to Section 15.13.3 of the Development Plan and the criteria to be referred to in assessing proposals for the development of corner / side garden sites, which includes *inter alia*:

- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- 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.

8.4.4. In the interests of ensuring appropriate boundary treatments, and to address the concerns of the appellants, I consider that this matter can be addressed by condition.

8.4.5. In respect of the issue of sightlines, I am satisfied having visited the site that the proposed development would not impact on the ability of residents of No. 1 Dunard Walk being able to see oncoming traffic when existing their front garden.

8.4.6. I conclude therefore that the proposed development would not seriously injure the residential amenity of adjoining property or the visual amenity of the area.

## 8.5. **Appropriate Assessment Screening**

8.5.1. Having regard to the nature and scale of the proposed development and the proximity to 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.

## 9.0 Recommendation

I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 10.0 Reasons and Considerations

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2022 - 2028, the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2008) and accompanying best practice Urban Design Manual, the location of the appeal site, the established pattern of residential development in the area and the overall design and scale of the development proposed, it is considered that, subject to compliance with the conditions set out below the proposed development would not be out of character with existing development in the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 19 <sup>th</sup> July 2022 as amended by the further plans and particulars submitted on the 16 <sup>th</sup> March 2023, 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.
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	<b>Reason:</b> In the interest of clarity.
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
3.	<p>Details of the boundary wall to the front, side and rear shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
4.	<p>The applicant shall comply with the following requirements of the Transportation Planning Division of Dublin City Council:</p> <p>a) Driveway entrances shall both be a maximum of 3.0 m in width and shall not have outward opening gates.</p> <p>b) Footpath and kerb to be dished and new entrances provided to the requirements of the Area Engineer, Roads Maintenance Division.</p> <p>c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in</p>

	<p>the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
8.	<p>Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning &amp; Development Act 2000 (as substituted by Section 3 of the Planning &amp; Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning &amp; Development Act 2000 - 2010 (as amended).</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning &amp; Development Act 2000 -2010.</p>



**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.**



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Leah Kenny  
Planning Inspector

5<sup>th</sup> August 2023