



An
Bord
Pleanála

Inspector's Report

ABP-317308-23

Development	Subdivision of existing house into 2 separate dwellings, including the demolition of entrance porch, construction of ground floor extension to side and rear of proposed house, new entrance door, shared entrance driveway and all associated site works.
Location	13, Whitechurch Hill, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23A/0055
Applicant(s)	Pat Gill
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party Appeal
Appellant(s)	Pat Gill
Observer(s)	None
Date of Site Inspection	10 th September 2023
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The triangular shaped, appeal site (measuring 0.0299ha) is located at 13 Whitechurch Hill, Ballyboden, Dublin 16, on a corner of a cul-de-sac within the established Whitechurch residential estate, south of Taylor's Lane in Ballyboden. The cul-de-sac is characterised by terraces with staggering building lines. Edmondstown Golf Club is located to the rear of the site.
- 1.2. The site comprises of a two storey, end of terrace dwelling (130 sq m), with a two storey, gable end extension to the side. The property has vehicular access to the front and a side and rear garden.

2.0 Proposed Development

2.1.1. Permission is sought for:

- Subdivision of an existing dwelling to form two independent dwelling units.
- Reinstating the original 3-bedroomed house at No. 13 to provide for an internal area of 78 sq m.
- Provision of a new 2-bedroomed house at No. 13A to provide for an internal area of 70 sq m.
- Demolition of an existing entrance porch and the construction of a 20.8 sq m flat roofed extension on the ground floor, to the side and rear of the proposed house (13A).
- Provision of a new entrance door to the front of No. 13A.
- All associated site works.

The proposed dwelling (13A) will be finished in render to match the colour of the existing pebbledash of No. 13. A shared entrance driveway will serve both properties, with a low block wall to separate the two entrances.

3.0 Planning Authority Decision

3.1. Decision

South Dublin County Council issued a Notification of Decision to Refuse Permission on 15th May 2023 for the following two reasons:

1. *The proposed end-of-terrace dwelling, **by virtue of its design, site configuration and dwelling width fails to integrate with the character of the existing terrace, and represents over-development of a restricted site.** Having regard to the 'RES' zoning of the area which seeks to 'protect and/or improve Residential Amenity', it is considered that **the proposed dwelling house would be at variance with the established character and pattern of development in the area and would be unacceptable with regard to the residential amenity of the existing and proposed residential units and precedence.** The proposals would therefore seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development would serve to **compound the existing traffic hazard concerns** of SDCC's Roads Department, and introduce additional and significant risk to all footpath users, and especially vulnerable users. Furthermore, there is inadequate detail provided in relation to the proposed vehicular access.*

(Bold: My emphasis.)

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.2. The South Dublin County Council Planning Report formed the basis of the decision.

3.2.3. The main points of the planner's report include:

- The proposed subdivision of the existing house is permitted in principle under the RES zoning.
- The site is not considered to be well served by public transport.

- The proposed dwelling would appear cramped and would detract from the existing symmetry and character of the terrace and would not integrate satisfactorily with the existing pattern of development in the area.
- The reinstated house would not meet a number of the minimum floorspace standards; however, it does comprise the original dwelling house and is compatible with the prevailing pattern of development in the area and as such is deemed to be acceptable.
- While the proposed dwelling would meet the minimum gross floor area of 70sqm for a 2 bed/3 person house under the 2007 Quality Housing Guidelines, it would not meet the minimum house size standard of 80sq.m for a two bedroom house under the County Development Plan 2022-2028.
- Both dwellings would have sufficient private open space.
- The frontage of the site is not of a width and size that would allow for two separate vehicular entrances and driveways for the proposed houses.
- Recommends planning permission is refused as per the reasons outlined above.

3.2.4. Other Technical Reports

Roads Department: Recommend refusal. The proposal to create a shared driveway would only serve to compound the existing situation whereby cars reverse out of the driveway at a significant angle. Furthermore, inadequate detail provided with respect to the proposed access arrangements.

Water Services: Additional information requested in relation to how surface water will be attenuated on site.

Public Realm: No objection subject to conditions.

Prescribed Bodies

Irish Water: No objection subject to conditions.

Transport Infrastructure Ireland: Letter received stating no observations to make.

3.3. Third Party Observations

None.

4.0 Planning History

Subject Site

Reg. Ref. SD10A/0385; ABP Ref. PL06S.238531: In 2011, An Bord Pleanála upheld the Local Authority's decision to refuse permission for the subdivision of the existing house for the provision of two separate dwellings for the following reason:

Having regard to the pattern of development in the area, the restricted site frontage and the location of the proposed dwelling entirely behind the rear building line of the neighbouring property to the north, it is considered that the proposed independent dwelling would result in a cramped form of development and a poor quality residential environment for future occupants, and would set an undesirable precedent for further such development. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Reg. Ref. S98B/0349: Planning permission granted in 1998 for a two storey extension to the side of the house.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

- 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).
- 5.1.2. National Policy Objective 35 of the NPF seeks to "Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".

5.2. South Dublin County Development Plan, 2022 - 2028

5.2.1. The site is within an area zoned 'RES' of the current CDP, which seeks "To protect and/or improve residential amenity".

5.2.2. Section 6.8 (Residential Consolidation in Urban Areas) of the current CDP is relevant to the development proposal which includes the following policies and objectives of note:

- **Policy H13:** Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County

- **H13 Objective 3:** To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

5.2.3. With respect to infill development Section 12.6.8 (Residential Consolidation) of the current CDP notes that development on infill sites should meet the following relevant criteria:

- "Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes...
- "...It should be ensured that residential amenity is not adversely impacted as a result of the proposed development..."

5.2.4. With respect to corner/side garden sites, Section 12.6.8 of the current CDP also notes that "Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.
- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case-by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

Other policies relevant to the development proposal include:

- E2 Objective 9: To ensure that all new developments in areas served by a public foul sewerage network connect to the public sewerage system.

- IE2 Objective 10: To require all development proposals to provide a separate foul and surface water drainage system – where practicable.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development, which consists of the subdivision of a dwelling for the provision of two dwellings in a suburban 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

A First-Party Appeal was lodged to the Board on 9th June 2023 opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- Disagree with the Local Authority's conclusion that the proposed development will appear cramped. The extension to facilitate the provision of an additional dwelling would only be visible from the public realm by a person standing on the boundary wall of the adjoining property at No. 12 Whitechurch Hill.
- The works required to facilitate the proposed development are contained entirely behind the front building line of the dwelling and are purposefully positioned to present an entirely imperceptible impact to the symmetry and character of the terrace.
- The estate is representative of a mid-late 20th century standard architectural design. The wider area is not contained within an architectural conservation area nor a general conservation area and does not comprise any protected structures.

- Public views towards the subject site, within the context of the immediate residential estate, are almost entirely restricted to the residents/visitors of Nos. 13-23 Whitechurch Hill.
- Whilst the dwelling falls short of the 80sq.m required under the Development Plan, the proposed dwelling has been designed to fully accord with the provisions of the outlined in Section 5.3 "Internal Layout and Space Provision" contained in the DoEHLG "Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)". As such, the proposed dwelling will provide an appropriate standard of residential amenity for future occupants.
- The site location is the best representation of a low-traffic, low-speed and low-noise environment, wherein the movements of vehicles from on-curtilage parking areas to the footpath is at lowest possibility of resulting in any form of undue traffic hazard, due to its location at almost the furthest point from the estate entrance/connection to a main road.
- The subject proposal does not introduce a new vehicular parking space to the subject site. The existing vehicular entrance to No. 13 is to remain unchanged.
- The short section of wall which is proposed under this application will appropriately demarcate the separate parking areas whilst improving the accessibility of each area relative to the existing parking areas serving Nos. 16-18 Whitechurch Hill.
- The proposal is consistent with national policy guidance including the NPF, NDP, and the Urban Development and Building Heights Guidelines for Planning Authorities.
- The proposal will increase the vibrancy and vitality of the immediate area, will allow for the increased efficiency of energy and public infrastructure and will provide residential units within easy walking distance to public transport services and cycling distance to Dublin City.
- The applicant is willing to omit the proposed short wall section, of 750mm height, which was purposefully proposed to demarcate the front parking area. It is considered that the omission of this wall section would ease vehicular movements into/out of the site.

- Confirmation that the rear boundary treatment would comprise a timber fence with precast concrete posts and plinth.

6.2. **Planning Authority Response**

The Local Authority advised the Board on 27th June 2023 that the issues raised in the appeal have been covered in the Chief Executive Order.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including the First-Party Appeal, and 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:

1. Principle of Development
2. Density
3. Architectural Design
4. Car Parking

Each of these issues is addressed in turn below.

7.1. **Principle of Development**

- 7.1.1. With regard to the overall principle of the proposed development, I highlight that the provision of residential development is consistent with the site's land use zoning objective 'RES' in the CDP, which seeks "*To protect and/or improve residential amenity*". Furthermore, the principle of the development is consistent with both local and national policy in relation to the infill development on underutilised serviced sites.

In this regard, I am satisfied that the principle of the proposed development is acceptable at this location. However, while the principle can be supported, it needs to be ascertained whether the proposed development would provide sufficient residential amenity to its future occupants and would not be detrimental to the amenities of adjoining residential properties or the character of the area. Regard is had to these issues in the Assessment below.

7.2. Density

- 7.2.1. As highlighted by the Appellant, it is clear from the applicable planning policy and guidelines that there is an increased emphasis on maximising the development potential of sites particularly in relation to housing developments within serviced areas. The 2009 Sustainable Residential Development Guidelines recommend a general range of 35-50 dwellings per hectare for Outer Suburban/Greenfield Sites. Having regard to the site size (0.0299ha), the proposed development would result in a density of 67 units per hectare and as such would exceed the 2009 Guidelines' standard. However, having regard to the policies of the NPF in relation to compact development, I would not recommend that permission is refused solely on the basis of density.

7.3. Architectural Design

- 7.3.1. The proposed development involves the subdivision of an existing dwelling to provide for two separate dwellings and associated works including the construction of a 20.8 sq m flat roofed extension on the ground floor, to the side and rear of the proposed house (13A).
- 7.3.2. In terms of elevational alterations, the proposed development involves the demolition of the existing entrance porch to No. 13 and the provision of a new entrance door to No. 13A. Furthermore, a 20.8 sq m flat roofed single floor extension to the side and rear of 13A is proposed. The front façade of the existing dwelling is staggered, whereby the northeast section is setback 0.755m from the southwest section. It is at this intersection where the entrance to No. 13A is proposed. Due to the scale and nature of the proposed elevational alterations, I do not consider that they would adversely impact the character of the area. In my opinion, they are consistent with Section 12.6.8 as outlined above. As highlighted by the Applicant, the site is not located in an architectural conservation area nor are there any nearby Protected Structures. The proposed rear/side extension will have no negative impact on the

streetscape or character of the area, due to its size and setback format. Having regard to the foregoing, I do not concur with the statement in the first reason for refusal that the proposal fails to integrate with the character of the existing terrace and would be at variance with the established character and pattern of the development.

7.3.3. In terms of the residential standard of accommodation for No. 13A, whilst the proposed dwelling (70 sq m) would not meet the Development Plan’s overall gross floor area standard (80 sq m), it would be consistent with the Quality Housing for Sustainable Communities Guidelines (2007) for a 2 bed/3 person house.

	Development Plan Standards	Quality Housing Guidelines 3 Bed/5 Person (2 storey)	Proposed dwelling – No. 13A
Gross Floor Area	80 sq m	70sq.m	70sq.m Under CDP requirement
Main Living Room	-	13sq.m	15.1sq.m Complies
Aggregate Living Area	-	28sq.m	33sq.m Complies
Aggregate Bedroom Area	-	20sq.m	20.3sq.m Complies
Internal Storage	-	3sq.m	4.6sq.m 3.1sq.m utility room & 1.5sq.m under the stairs Complies
Private Open Space	55 sq m	-	57sq.m Complies

7.3.4. In terms of the residential standard of accommodation, the existing 4 bedroomed dwelling (No. 13) would be reduced from 130 sq m to 78 sq m to provide for a 3 bedroomed dwelling. As highlighted by the Planning Authority, the resultant dwelling would not comply with either the CDP’s or the 2007 Guidelines’ overall gross floor area standard (i.e. 92 sq m). Furthermore, the proposal would not comply with the 2007 Guidelines in terms of aggregate living area, aggregate bedroom area, and internal storage. In addition, while Bedroom 1 (12.9 sqm) would be consistent with the 2007 Guidelines for a double bedroom (11.4 sqm), neither Bedroom 2 (9.5 sqm) nor Bedroom 1 (6.2 sq m) would be in compliance with the relevant standards (single bedroom = 7.1 sq m and a double bedroom = 11.4). In addition, as noted by the Planning Authority no bin storage area has been indicated on the drawings. Whilst I

note that the Appellant states that the proposal would ultimately reinstate the house to its original form and that future extensions are possible, in my opinion, the proposal as presented would nonetheless reduce the amenity of the existing dwelling and falls significantly short of current applicable development management standards.

	Development Plan Standards	Quality Housing Guidelines 3 Bed/5 Person (2 storey)	Proposed dwelling – No. 13
Gross Floor Area	92sq.m	92sq.m	78sq.m Does not comply
Main Living Room	-	13sq.m	13.5sq.m Complies
Aggregate Living Area	-	34sq.m	30sq.m Does not comply
Aggregate Bedroom Area	-	32sq.m	28.6sq.m Does not comply
Internal Storage	-	5sq.m	1.5sq.m Does not comply
Private Open Space	60sq.m	-	62sq.m Complies

7.3.5. Having regard to the forgoing, I concur with the Local Authority that the proposal by virtue of its design represents overdevelopment. Whilst infill development is acceptable in principle on the site, in my opinion, this is not a sufficient justification for providing substandard accommodation or reducing the amenity of the existing dwelling. Therefore, the proposed development would not be consistent with the land's zoning objective 'RES' zoning of the area which seeks to 'protect and/or improve Residential Amenity'.

7.3.6. I highlight that I concur with the Local Authority that the proposed development would not result in any significant overbearing, overlooking or overshadowing impacts on neighbouring properties that would reduce the area's residential amenity. However, I do not consider that this justifies that inadequate level of amenity that would be afforded to future occupants of the dwellings.

7.4. Car Parking

7.4.1. The Local Authority's second reason for refusal states that the proposed development would introduce additional and significant risk to all footpath users, especially vulnerable users. As outlined above, the Appellant argues that the proposed

development does not introduce a new vehicular parking space to the subject site. Whilst I acknowledge this argument, the proposed development will result in an intensification of the existing access point. Notwithstanding that the second reason for refusal notes the inadequate detail provided in relation to the proposed vehicular access, I note that the Appellant did not provide such detail with the First-Party Appeal. Nevertheless, it is evident from the planning drawings that due to the width of the site's frontage and configuration, the proposed development would represent a significant traffic hazard not only for footpath users but for vehicular users of the two subject dwellings, as there is insufficient turning area for cars. I do not consider that the omission of the proposed low wall to separate the two properties, would have any significant impact in terms of reducing the risk. Having regard to the foregoing, I consider that the Local Authority's second reason for refusal still stands, and I recommend that permission is refused for the proposed development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The proposed development by virtue of its design represents over-development of a restricted site, and would be unacceptable with regard to the residential amenity of the existing and proposed residential units, and therefore, would not be in accordance with the site's land use zoning objective (RES), which seeks to 'protect and/or improve Residential Amenity' in the South Dublin County

Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would represent an intensification of use of the existing vehicular access and due to the site's frontage and configuration, the proposed development would endanger public safety by reason of a traffic hazard. Thus, the proposed development would contravene the proper planning and sustainable development of the area.

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

Susan Clarke

Senior Planning Inspector

11th September 2023