



An
Bord
Pleanála

Inspector's Report

ABP-318843-24

Development

Construction of two storey house, alterations to existing boundary wall, creation of pedestrian entrance, boundary walls, and external services, drainage and landscaping.

Location

Side of 19 Wade's Avenue, Dublin 5

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

Web 1948/23

Applicant

Fiona Brough

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant

Carol Leonard

Observer(s)

None

Date of Site Inspection

17th February 2024

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.0358 ha and is located on the western side of Wade's Avenue, Dublin 5. The lands to the south of the appeal site (i.e. no. 19 Wade's Avenue) are indicated as being within the applicant's control/ownership, as noted by the blue line boundary on the site plan.
- 1.2. The appeal site comprises the side garden of no. 19 Wade's Avenue (a two storey end of terrace dwelling) and occupies a corner site with frontage to Wade's Avenue (to the east) and Ballyhoy Avenue (to the north). The appeal site is relatively flat and is bound by a low wall. The adjoining area is residential in character. St. Anne's Park is located to the east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of detached, 3 bedroom house (stated floor area 125 sqm).
 - Material finishes to the house comprise render for the external walls and dark coloured roof tile/slate for the roof. PV panels are indicated on the rear/west roof slope.
 - Roof lights are indicated on the front/east and side/south roof slopes.
 - The proposed house has a hipped roof with ridge height of c. 8.6 metres.
 - Pedestrian entrance along northern site boundary¹.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 18th December 2023 subject to 9 no. conditions.

¹ The applicant's response to the third party appeal proposes to relocate this pedestrian access to the front/eastern site boundary.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following comments;

- Overbearance of neighbouring properties is not an issue.
- The proposed house breaks the building line established by Ballyhoy Avenue by c. 5 metres, however there is precedent for this in the area and the Planning Authority have no objection to this.
- Notwithstanding some differences in the design, which arise from the infill nature of the proposal, the design of the proposed dwelling is consistent with the houses in the vicinity.
- Roof lights are prevalent in the area and it would be unreasonable to require their omission.
- The shadow analysis study submitted indicates that the proposal would not result in significant impacts on neighbouring properties.
- The proposal would not result in overlooking of adjacent properties.
- The proposed dwelling meets/exceeds minimum requirements in terms of internal living accommodation and private open space.
- There is no minimum car parking requirement for a dwelling and the non-provision of car parking is acceptable.

The report of the Planning Officer recommends a GRANT of permission consistent with the Notification of Decision which issued.

3.2.2. Other Technical Reports

Drainage Division: report recommends standard conditions.

Traffic Planning Division: report recommends standard conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

1 no. observation was received by the Planning Authority. The observation raised concerns in relation to the design of the proposed dwelling and its impact on the character of the area; the creation of a precedent; address is stated as Wade's Avenue yet access is via Ballyhoy Avenue; absence of car parking to serve proposal; traffic congestion; and drainage concerns.

4.0 Planning History

Appeal Site

None.

In vicinity

PA. Ref. 3421/17 – Permission GRANTED for 2 no. two storey houses (19a and 19b All Saints Road, Raheny, Dublin 5.

PA. Ref. 3450/06 – Permission GRANTED for two storey house at 24a All Saints Road, Raheny, Dublin 5.

PA. Ref. 3604/04 – Permission GRANTED for two storey house to side of 54 Maryville Road, Raheny, Dublin 5.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant Development Plan is the Dublin City Development Plan 2022-2028.

5.1.2. The appeal site is zoned 'Z1' (Sustainable Residential Communities) with a zoning objective '*to protect, provide and improve residential amenities*' under the Dublin City Development Plan 2022-2028.

5.1.3. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

Volume 1 – Chapter 5 (Quality Housing and Sustainable Neighbourhoods)

- Policy QHSN2 – (National Guidelines)

- Policy QHSN6 – (Urban Consolidation)

Volume 1 – Chapter 15 (Development Standards)

- Section 15.5.2. (Infill Development)
- Section 15.11 (House Developments)
- Section 15.13.3 (Infill/Side Gardens Developments)

5.2. **Natural Heritage Designations**

The appeal site is not located within or close to any European site.

5.3. **EIA Screening**

(See Form 1 and Form 2 attached) Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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**

This is a third-party appeal against the decision to grant permission. The grounds for appeal can be summarised as follows;

- The proposal would infringe on the established building line on Ballyhoy Avenue and would have a detrimental impact on the streetscape. All previous development has respected established building lines.
- The proposal does not match the character of the parent dwelling and terrace.
- The proposal would set an undesirable precedent.

- The proposal to have access onto Ballyhoy Avenue will negatively impact the residential amenities of Ballyhoy Avenue.
- The proposal makes no provision for car parking. Ballyhoy Avenue suffers congestion. No. 20 Wade's Avenue recently received permission to widen its entrance.
- The proposed soakaway will cause ponding in the garden of 24 Ballyhoy Avenue.

6.2. **Applicant Response**

The applicant has submitted a response in respect of the third party appeal submission.

- The proposal is compatible with the area. There is precedent for buildings stepping beyond the building line (e.g. 1a and no. 11 Ballyhoy Avenue, and other examples cited). The Planning Authority are satisfied that the proposal would not result in a loss of amenity as a consequence.
- The proposal aligns with the front and rear of the dwellings along Wade's Avenue. The proposal provides as much separation distance to no. 24 Ballyhoy Avenue as possible. Following the building line of Ballyhoy Avenue would result in the proposal falling short of recommended minimum space standards.
- The proposal replicates the finishes prevalent in the area, existing boundaries are being retained and the scale and proportions of the proposed dwelling are similar to existing dwellings.
- The location of the pedestrian access has no impact on traffic. The applicant however proposes to relocate the pedestrian access to Wade's Avenue to address the appellant's concerns (site plan and elevation included in submission).
- Providing off-street car parking would create issues in relation to impact on street trees, and given the availability of public transport in the area no off-street car parking is proposed.

- The proposed soakaway complies with BRE365, is adequately designed (drainage calculations included in submission) and will not cause any ponding in adjacent properties.

6.3. **Planning Authority Response**

A response was received from the Planning Authority requesting that An Bord Pleanála uphold its decision to grant permission, and that conditions are attached requiring the payment of a development contribution and in relation to naming and numbering.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. I consider the main issues in relation to this appeal are as follows:

- Impact on Visual Amenity
- Other Issues.
- Appropriate Assessment.

7.2. **Impact on Visual Amenity**

7.2.1. Building Line: The appellant contends that the proposal will break the building line established by Ballyhoy Avenue, with adverse consequences for the streetscape and the visual amenities of the area. The applicant contends that the proposal aligns with the terrace of houses to the south along Wade's Avenue and notes that maintaining the building line of Ballyhoy Avenue would result in a development which is substandard. I note that the proposed dwelling generally aligns with the front and rear walls of the host property (19 Wade's Avenue) and the terrace to the immediate south along Wade's Avenue. In my opinion this approach is appropriate as the appeal site comprises the side garden of no. 19 Wade's Avenue. I also note that there are a number of infill dwellings on corner sites in the area where the building line has been breached (see planning history). In my opinion the rear garden length, separation

distance to the side wall of no. 24 Ballyhoy Avenue and the design of the proposed dwelling mitigates the potential adverse impacts of the breach in the building line and as such I do not consider that the proposed development would result in significant negative impacts on the character or amenities of the area as a result.

7.2.2. Character of Area/Design of Proposed Dwelling: The appellant states that the proposed development does not match the character of the host property (no. 19 Wade's Avenue) or the terrace to the south and as such would be out of character with the area. The ridge height, building line and eaves line of the proposed dwelling generally follow that of the host property and the dwellings to the south along Wade's Avenue. The proposed dwelling has a hipped roof, which in my opinion assists with the integration of the proposal on this corner site. The location of the appeal site opposite an area of open space (St. Anne's Park) also provides for a degree of latitude in terms of the design of the proposed dwelling on the site and the ability of the area to absorb the proposal. On the basis of the forgoing, I am satisfied that the proposed development will assimilate with the character of the area and will not result in significant negative impacts on the visual amenities of the area.

7.3. **Other Issues**

7.3.1. Pedestrian Access: The development as initially proposed provided for a pedestrian access along the northern site boundary onto Ballyhoy Avenue. In response to concerns raised in the third party appeal the applicant has submitted a revised proposal relocating this pedestrian access to the eastern site boundary, accessing to Wade's Avenue. I am satisfied that the revised proposal as it relates to the relocated pedestrian access does not result in any significant adverse impacts on residential or visual amenity and should the Board be minded to grant permission for the proposed development I recommend that a condition be attached stipulating that the pedestrian access be via Wade's Avenue as proposed in the applicant's submission to the Board dated 6th February 2024.

7.3.2. Car Parking: The appellant's submission raises concerns in relation to the non-provision of off-street car parking and notes that the proposal could give rise to congestion along Ballyhoy Avenue. Table 2, Appendix 5, Volume 2 of the Dublin City Development Plan 2022-2028 sets out car parking standards for various types of

development. Based on the description of the zones in the Development Plan (see page 256) the appeal site appears to fall within Zone 3 for which Table 2 provides a maximum car parking requirement of 1 no. space for a dwelling in this area. Noting that car parking standards contained in Table 2 are maximums and not minimum requirements I consider the proposal to be acceptable in terms of car parking provision and I am satisfied that it accords with the requirements of the Dublin City Development Plan 2022-2028.

7.3.3. Soakaway: The appellant contends that the proposed soakaway will result in the ponding of water in their garden. The applicant's submission to the third party appeal notes that the proposed soakaway complies with BRE365, is adequately designed and will not cause any ponding of water in adjacent properties. Having considered the information submitted, which includes drainage calculations, I am satisfied that the proposed development, and in particular the soakaway, would not result in any drainage issues for adjacent property.

7.3.4. Part V: The applicant has been granted an Exemption Certificate in respect of the proposed development (PA. Ref. 0380/23 refers). I submit to the Board that should they be minded to grant permission for the proposed development that a planning condition requiring compliance with Part V of the Planning and Development Act, 2000, as amended is therefore not required.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) The pattern of development in the area,
- (c) The provisions of the Dublin City Development Plan 2022-2028,

it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out completed in accordance with the plans and particulars lodged with the application, 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 with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The external finishes to the proposed development shall be as indicated on <i>Drawing No. A4-21</i> and <i>Drawing No. A4-22</i>, unless otherwise agreed with the Planning Authority prior to commencement of development. Render/plaster finishes shall be neutral in colour.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Pedestrian access shall be via Wade's Avenue, as indicated on <i>Drawing A1-20</i> submitted to An Board Pleanála on 6th February 2024.</p> <p>Reason: In the interests of clarity.</p>

4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water connection agreement with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

	<p>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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</p> <p>Reason: 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>
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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.

Ian Campbell
Planning Inspector

19th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318843-24		
Proposed Development Summary	Construction of two storey house, alterations to existing boundary wall, creation of pedestrian entrance, boundary walls, and external services, drainage and landscaping.		
Development Address	Side of no. 19 Wade's Avenue, Dublin 5		
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	X
		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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	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)
No		N/A	No EIAR or Preliminary Examination required

Yes		Class 10 (b) (i) (500 dwellings)	Proposal is significantly below 500 unit threshold	Proceed to Q.4
4. Has Schedule 7A information been submitted?				
No	X	Preliminary Examination required		
Yes		Screening Determination required		

Inspector: Ian Campbell

Date: 19th February 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318843-24	
Proposed Development Summary	Construction of two storey house, alterations to existing boundary wall, creation of pedestrian entrance, boundary walls, and external services, drainage and landscaping.	
Development Address	Side of 19 Wade's Avenue, Dublin 5	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? 	The proposed development comprises 1 no. house in an urban area.	<ul style="list-style-type: none"> No No

<ul style="list-style-type: none"> Will the development result in the production of any significant waste, emissions or pollutants? 	<p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>	
<ul style="list-style-type: none"> 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? 	<p>The size of the proposed development would not be described as exceptional in the context of the existing environment.</p> <p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area? 	<p>Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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.</p>	<ul style="list-style-type: none"> No No
<ul style="list-style-type: none"> Conclusion 		

<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA not required. 	<ul style="list-style-type: none"> • There is significant and realistic doubt regarding the likelihood of significant effects on the environment. • Schedule 7A Information required to enable a Screening Determination to be carried out. 	<ul style="list-style-type: none"> There is a real likelihood of significant effects on the environment. • EIAR required.
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Inspector: Ian Campbell

Date: 19th February 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)