



An
Bord
Pleanála

Inspector's Report ABP-318878-23

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| Development | Construction of an extension to provide for an additional bedroom. Construction of 2 houses and all associated site works, |
| Location | 205 Vernon Avenue, Clontarf, Dublin 3, D03 AE92. |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 4320/23 |
| Applicant(s) | Yvonne Lawlor |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Adam Goslin |
| Observation | Kathryn & David Kelly |

Date of Site Inspection

18th February 2024

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0768 hectares, is located off Vernon Avenue to the north of Clontarf. The site is occupied by no. 205 Vernon Avenue, which is located at the junction of Vernon Avenue and Dunluce Road. The existing dwelling on the site is a single-storey, semi-detached with its front elevation orientated onto Dunluce Road. The site has significant road frontage along Vernon Avenue along the southern/side boundary of the site. The adjoining properties include no. 203 to the north, which is the other dwelling that forms the pair of semi-detached dwellings the site is part of with its rear garden running along the northern boundary. To the west is no. 207 Vernon Avenue, which is a single-storey dwelling.

2.0 Proposed Development

- 2.1 Permission is sought for partial demolition of the external, internal walls and associated vehicular entrance of the existing single-storey three-bedroom semi-detached dwelling fronting Vernon Avenue for; (ii) the construction of a new residential single-storey extension to the front and sides of the existing dwelling providing for an additional bedroom, alterations to all elevations and the relocation of existing vehicular access from Vernon Avenue to Dunluce Road. Permission is also sought for subdivision of the site to provide for (ii) the construction of residential infill development comprising 2 no. two-storey, two-bedroom detached dwellings each serviced by garden to the rear at ground level and 2 no. on-curtilage vehicular parking spaces accessible via Vernon Avenue; and (iv) all ancillary works, inclusive of boundary treatments and SuDs drainage, necessary to facilitate the development.
- 2.2 The proposal consists of demolition of part of the existing semi-detached single-storey dwelling and construction of a new extension. The proposal entails demolition of 59sqm of the existing dwelling located along the southern side of the dwelling and retention of 73sqm and the construction of new extension on the southern side. The existing dwelling is serviced by a vehicular access off Vernon Avenue on the southern road frontage of the site. This entrance is to be closed and new entrance to serve the existing dwelling opened off Dunluce Road on the eastern side of the site. The proposal also entails the subdivision of the site and the construction of 2 no.

independent detached, two-storey dwellings with each dwelling having an individual vehicular entrance off Vernon Avenue. The new construction has a gross floor area of 212.6sqm.

- 2.3 A number of amendments were made as a result of further information. These include relocating the entrance for Plot 3 further west to account for retention of an existing tree in the footpath area. Changes were also made to the configuration of private open space with the existing dwelling provided with 68sqm (2m wooden fence defining such) at the south east of the site and a smaller area to the rear of 29sqm, with plot 2 private open space reduced from 56 to 43sqm and Plot 3 reduced from 53 to 51sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions. Of note is the following conditions...

Condition no. 4: 2m high dark coloured/stained wooden fence to be erected to northern side of the portion of the host dwelling (205 Vernon Avenue) as useable private open space. Screening hedge to be planted to northern side of fence line on current green area shown on Drawing Sheet 4 of further information submission. Remaining area of privatised space shall be enclosed and screened solely by existing boundary hedges.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (11/10/23): Further information required including address concerns regarding the level of and quality of open space associated with the existing dwelling, demonstration that the proposal will not lead to undue observation of adjoining dwellings, clarification of status of proposed vehicular access in relation to

existing trees and consideration of shared access to prevent damage to existing trees.

Planning Report (15/12/23): The response to further information was noted. The development was considered to be satisfactory in terms of overall design, scale and quality in relation to development management standards. The development was considered to be satisfactory in the context of adjoining amenities and traffic safety. A grant of permission was recommended based on the conditions outlined above.

Other Technical Reports

Drainage Division (20/09/23): No objection subject to conditions.

Transportation Planning (20/09/23): Further information required including clarification regarding provision of vehicular entrance to plot 3 in relation to protecting an existing tree from root damage and consideration of provision of a shared vehicular access if a separate access cannot be accommodated without damaging existing trees.

Transportation Planning (06/12/23): Recommend grant of permission subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two submissions. The issues raised can be summarised as follows...

- Potential overlooking, failure to complement existing streetscape, different plot widths, no unified design, inadequate parking, potential impact on existing tree, traffic hazard due to entrance close to junction, potential for drainage issues, diminished outlook from existing apartments.

4.0 Planning History

No planning history.

Adjoining site

4899/07: Permission refused for demolition of existing house and construction of 2 no. three-storey over basement dwellings and associated site works. Refused on basis of inappropriate design, mass, bulk and scale and injurious to adjoining residential amenities.

3817/10: Grant of permission for construction of a detached two-storey dwelling in the side garden of no. 201 Vernon Avenue

2458/08: Grant of permission for demolition of existing house and construction of 2 no. two-storey detached dwellings and associated site works at no. 107 Vernon Avenue.

5.0 Policy Context

5.1. Development Plan

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

The appeal site is zoned 'Z1 with a stated objective 'to protect, provide and improve residential amenities'.

Appendix 18

Section 1 (Residential Extensions)

Application for extensions to existing residential units should:

- a. Not have an adverse impact on the scale and character of the existing dwelling.
- b. Not adversely affect amenities enjoyed by occupants of adjacent buildings in terms of privacy, outlook and access to daylight and sunlight.
- c. Achieve a high quality of design.
- d. make a positive contribution to the streetscape (front extensions).

Chapter 15 Development Standards (section 15.11 Houses developments)

15.11.2 Aspect, Daylight, Sunlight and Ventilation

15.11.3 Private Open Space

Private open space for houses is usually provided by way of private gardens to the rear of a house. A minimum standard of 10 sq. m. of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces. Generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5– 8 sq. m. of private open space per bedspace will normally be applied.

These standards may be relaxed on a case by case basis subject to a qualitative analysis of the development.

Where dwellings have little or no front gardens in urban settings, it is important that 'defensible space' is created behind the public footpath, for example, by means of a planting strip, and the design of ground floor windows will need to be carefully considered. Rear gardens and similar private areas should: be screened from public areas, provide safe and secure play areas for children, be overlooked from the window of a living area or kitchen, have robust boundaries, and not back on to roads or public open spaces.

15.13.3 Infill /Side Garden Housing Developments

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the planning authority on suitable large sites. The planning authority will favourably consider the development of infill housing on appropriate sites, having regard to development plan policy on infill sites and to facilitate the most sustainable use of land and existing urban infrastructure. In general, infill housing should comply with all relevant development plan standards for residential development including unit sizes, dual aspect requirements, internal amenity standards and open space requirements. In certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land is developed. The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- The character of the street.
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings.
- Accommodation standards for occupiers.
- Development plan standards for existing and proposed dwellings.
- Impact on the residential amenities of adjoining sites.
- Open space standards and refuse standards for both existing and proposed dwellings.
- The provision of a safe means of access to and egress from the site.
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
- The maintenance of the front and side building lines, where appropriate.

- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas and the Council will support innovation in design.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable and should be avoided.
- Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained/ reinstated where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking footpaths, roads and open spaces for visual amenity and passive surveillance.

5.2 Natural Heritage Designations

None within the zone of influence of the project.

5.3 EIA Screening

5.3.1 The subject proposal refers to an urban site of 0.0768 ha, which is zoned Z1 (Sustainable Residential Neighbourhoods) with a stated objective with a stated objective 'to protect, provide and improve residential amenities'. Permission is sought for the demolition of part of dwelling and construction of a new extension, subdivision of the curtilage of the existing dwelling and construction of 2 new detached dwellings and associated site works. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units, 10 hectares, or 2ha if the site is regarded as being within a business district.

5.3.2. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to the land use in the

area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

5.3.3. Having regard to nature and scale of the development and location within the development boundary of an existing settlement 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

6.1.1 A third party appeal has been received from Adam Goslin, 203 Vernon Avenue, Clontarf, Dublin, D03 X373. The grounds of appeal are follows...

- The proposed gardens associated with the two new dwellings are below development plan standards. The proximity of the new dwellings to the boundary with the appellant's garden is also raised as a concern in terms of overshadowing due to scale of the new structures proximity to the boundary and location south of appellant's garden. The garden area retained with the existing dwelling is a front garden and is overlooked by the public road and an existing apartment block.
- The width of the living room and level of storage fall short of Department of the Environment standards. There is a lack of provision for heating infrastructure internally. The appellant expresses concern that the new house if granted will need to be bigger further impinging on residential amenity.
- The proposal does not meet minimum standards of the Development Plan, breaks the established building line and would have an overbearing impact and cause overshadowing of the appellant's property.

6.2. Planning Authority Response

6.2.1 Response by Dublin City Council.

- The PA request that the Board uphold the decision to granted and request that if permission is granted that a number of conditions be applied relating to Development Contributions, payment of a bond and naming, numbering.

6.3. Observations

6.3.1 Observation from Kathryn and David Kelly, 112 Dunluce Road, Clontarf, Dublin 3, D03 A973.

- Overshadowing impact, contemporary design not in keeping at this location, proposed entrance may cause removal of tree, new dwellings not consistent with established building line, inadequate level of amenity space, traffic hazard due to proximity of new entrance to the corner, inadequate off-street car parking and drainage concerns.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Design, scale and compliance with development management standards

Adjoining Amenity

Other Issues

7.2 Design, scale and compliance with development management standards:

7.2.1 The appellant raises concerns regarding the overall quality of the development in the context of private open space, room dimensions and the overall ability of the site to cater for the 2 no. new dwellings. The proposal entails demolition of part of the existing single-storey semi-detached dwelling, construction of a single-storey extension to the side and subdivision of the site to facilitate construction of 2 no. two-storey detached dwellings.

7.2.2 In relation to private open space the approved development, which was altered by way of further information provides a total of 97sqm of private open space split into two areas, 68sqm at the south east corner of the site and 29sqm to the rear of the existing dwelling on site labelled as Plot 1, which is a four bedroom dwelling. Plot 2, which is a new two-bed dwelling is provided with a rear private amenity space of 43sqm and Plot 3 which has a dwelling identical in design to Plot 2 is provided with a rear amenity space of 51sqm. Development Plan policy under Section 15.11.3 (outlined above) identifies a minimum standard of 10sqm of private open space per bedspace and that generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. It is stated that these standards may be relaxed on a case by case basis subject to a qualitative analysis of the development. The 2 new dwellings proposed are each two bedroom dwelling with the equivalent of 4 bedspaces giving a minimum requirement of 40sqm. The proposal does provide the minimum standard set out under Development Plan policy. The existing dwelling on site is a four bedroom dwelling with the equivalent of 8 bedspaces and minimum requirement of 80sqm. 97sqm of private open space is provided and also meet the minimum standards of the City Development Plan.

7.2.3 The appeal does question the quality of private open space associated with the existing dwelling noting that the majority of private open space is located in the front garden of the existing dwelling (east of the dwelling) and is not private as it is viewable from the public road and overlooked by existing apartments on the south side of Vernon Avenue. The existing dwelling on site is a corner site with frontage along Vernon Avenue to the south and Dunluce Road to east. The dwelling does not have private open space to the rear that is away from the public road as would

typically be the pattern of development in a suburban area. The existing dwelling has garden areas to the east and west of the dwelling and both are immediately adjacent the public road with the boundary treatment on site approximately 1.8m high (existing hedge) to give a level of privacy due to its location adjacent the public road and footpaths. The applicant is proposing to maintain a hedgerow of this level and as part of the further information response provided for a 2m high wooden fence around three sides of the open space area serving the existing the dwelling to the south east of the site. I am of the view that the measures proposed are sufficient to classify this space as private open space. In relation to the overlooking by the existing apartment block to the south, the existing private open space serving this dwelling to the east and west is overlooked by the existing apartment blocks (upper levels) on the opposite side of Vernon Avenue and that this is a normal urban situation. I am satisfied that the private open space provided with the existing dwelling is of sufficient quality.

7.2.4 The appellant raises concern that the 2 new dwellings do not meet the Department of the Environment's standards in relation to room size with the width of the living and level of storage highlighted. In the case of dwellings the relevant guidelines are the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG). Table 5.1 of the guidelines outline space provision and room sizes for typical dwellings. For a two-bed, two-storey four person dwelling the proposed dwellings meet the standards in terms of GFA (80sqm), size of main living room (13sqm), aggregate living area (30sqm), aggregate bedroom area (25sqm). A storage level of 4sqm is not met with 0.75sqm provided and the Planning Report suggesting such should be dealt with by way of condition. In relation to the width of living spaces the guidelines recommend 3.6m whereas the living rooms in the proposed dwellings are 3m. In this case the living space is an open plan kitchen/living and dining space and not a separate living room. I would be of the view that the dwellings are substantially in compliance with the recommended standards set down under the guidelines and would not merit refusal on this basis. I am satisfied that a condition could be applied requiring additional storage to the recommended standards.

7.3 Adjoining Amenity:

7.3.1 The appellant's dwelling is located to the north of the site and is a part single-storey part two-storey semi-detached dwelling with its rear garden running along the northern boundary of the site. The appellant has raised concern about the proximity and scale of the 2 new dwellings to the boundary with their garden and its impact in terms of overshadowing. The two new dwellings are a gable fronted design with an overall height of 6.6m and a width of 7.3. The dwellings are setback between 4.248-4.705m from the northern boundary of the site. The dwellings are designed to have regard to the privacy of the adjoining property to the north as well as the adjoining properties to the west. The rear elevation only has a window at ground floor level with no windows on the rear elevation at first floor level.

7.3.2 In regards to overshadowing, I would be of the view that the overall scale, layout and proximity of the development to the adjoining property to the north or the observers property located north of the appellant's property would not result in significant overshadowing or an overbearing impact. I would consider that the pattern of development proposed would be acceptable in the suburban context such as this and the relationship between the proposed new dwellings and the existing dwellings to the north, east and west is not out of character in a built up suburban context such as this. I am satisfied that the proposal would not have an overbearing impact or result in an unacceptable level of overshadowing of adjoining properties having regard to the suburban context of the site.

7.3.3 The appellant also refers to the fact the two new dwellings do not respect the existing building line along Vernon Avenue. The building line of the dwellings along Vernon Avenue to the west of the site is uniform, however deviates on the appeal site with the existing dwelling closer to the road. I am satisfied that the building line of the proposed dwellings is satisfactory and despite being forward of the existing dwellings to west, would not be detrimental to the visual character of the area or impact adversely on the residential amenities of adjoining properties.

7.3.4 I am satisfied that the proposal has adequate regard to the visual and residential amenities of the area and provides for a development that would be in accordance with the Z1 zoning objective of the City Development Plan.

7.4 Other Issues:

7.4.1 In relation to some of the other issues raised in the observation I am satisfied that the applicant has amended the proposal and demonstrated that such can be facilitated with regard to retention of an existing tree. I am satisfied that the vehicular entrance arrangements would be acceptable in the context of traffic safety, that the proposed dwellings provide sufficient off-street car parking and I have no reason to consider that the drainage measures proposed will be deficient.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its 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

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the Z1 zoning provision of the Dublin City Development Plan 2022-2028, the nature and scale of the proposed development and that of the adjoining residential developments, 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 and would be

acceptable in the context of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 27th day of November 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure a high standard of public realm.

3. The applicant shall submit amended floor plans for the two new dwellings showing internal storage in compliance with Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (DoEHLG) to the Planning Authority for written agreement prior to the commencement of development.

Reason: In the interests of residential amenity.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

5. The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

6. 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.

Reason: In the interests of visual and residential amenity.

7. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

8. The tree protection measures detailed in the response to further information shall be implemented in full.

Reason: In the interests of amenity and public safety.

9. 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 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.

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.

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.

Colin McBride
Senior Planning Inspector

20th February 2024