



An
Bord
Pleanála

Inspector's Report ABP318955-24

Development	House & Ancillary site development works.
Location	105 Boot Road, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD23A/0212.
Applicant(s)	Eoin Deeney.
Type of Application	Permission..
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Eoin Deeney.
Observer(s)	None.
Date of Site Inspection	09/05/2024
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site comprises the side garden of no. 105 Boot Road. No. 105 Boot Road is an end of terrace two-storey two bay house located in a streetscape of similar houses. There is a single-storey extension to the side of no.105 Boot Road.
- 1.2. No.105 Boot Road has a front and rear garden. The end of terrace location provides a side curtilage to the house. The side curtilage is formed in the angle of the plot. The subject plot shares a property boundary with the adjoining plot at no.104 Boot Road.
- 1.3. The side garden is sub-divided to front and rear zone by a large high-level gate supported by brick piers. The side curtilage to the front of the house accommodates a hard surfaced vehicular parking and bin storage area.
- 1.4. No.105 Boot Road is located in a terraced streetscape comprising nos. 105-112 Boot Road, which elevates onto a large triangular shaped centrally located public space to the north-west.
- 1.5. The streetscape adjoining at a right angle comprises a number of terraces of similar houses at 89-92 Boot Road, nos. 93-96 Boot Road, nos. 97-100 Boot Road and nos. 101-104 Boot Road. The terraces follow an indicate building line and elevate onto the public space.
- 1.6. The terraces are sited at an angle to the public space. The position of each terrace is marginally recessed behind the adjoining terrace moving north to south. The southern-most terrace incorporates no.104 Boot Road the adjoining property to the north of the development site.
- 1.7. Site area is given as 0.060 hectares.

2.0 Proposed Development

- 2.1. Infill house and ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

(1) While the principal of an infill residential dwelling on this site is acceptable, the proposed development, by reason of its length, configuration and scale in proximity to the southwest site boundary, would be overbearing and visually dominant when viewed from the rear garden of the immediate neighbour to the southwest (No. 105 Boot Road), and would adversely impact on the amenities of this neighbouring property. The proposed development would thus be contrary to the 'RES' zoning objective for the area which seeks 'to protect and/or improve residential amenity' and would, therefore, be contrary to the South Dublin County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of South Dublin County Council reflects the decision of the planning case officer to refuse permission.

The planning case officer concluded that the development was acceptable in principle. However, the following additional information was requested on the 24/10/23. The applicant responded on the 09/11/2023.

Paragraph 1 is summarised below

The proposed dwelling would be largely located in front of the rear building line of the existing dwelling at 105 Boot Road. Having regard to the siting of the proposed dwelling and its length and scale proximate to no. 105's rear amenity space, it is considered that the proposal would have an unacceptable impact on the residential amenity of this property in relation to overbearing and overshadowing. The siting and design of this dwelling should be reconsidered in relation to its impact on no. 105. It is acknowledged that there is an existing surface water drain, located across the front, north-eastern part of the site, which the building is required to be set back

from. This should be accounted for in any redesign of the proposal. Windows to habitable rooms should not be fitted with obscure glazing. The applicant is requested to submit revised proposed development addressing the above.

Case officer assessment of Paragraph 1 response

The proposed dwelling has been moved forward by approximately 0.8m. The 2 no. high level windows at the entrance and kitchen will have clear glass. The first floor level landing window will have obscure glass. Setback from surface water drain is maintained. The case officer considered that the revised proposal had not sufficiently addressed concerns in relation to impact on the adjoining property at no. 105 Boot Road in relation to overbearing and overshadowing.

Paragraph 2

The applicant was requested to submit details of the proposed boundary treatments (including materials) around the site of the proposed dwelling, including in regard to any proposed boundary with the existing dwelling at no. 105 Boot Road.

Case officer assessment of Paragraph 2 response

The boundary wall between the existing dwelling no.105 Boot Road and the proposed dwelling would be a 2m high blockwork capped wall with render finish. The case officer considered that the boundary treatment is visually acceptable and that this item had been satisfactorily discharged.

Paragraph 3

In relation to vehicular access to the site and car parking the applicant was requested to submit revised details given that the principle of sharing a vehicular entrance and parking area for both the existing house and the proposed house is problematic. Furthermore, a vehicular access width of 3.5m between gate pillars should not be exceeded. A reassessment of the width of the vehicular entrances(s) is required.

Case officer assessment of Paragraph 3 response

Separate vehicular entrances are proposed for the existing and proposed dwellings with vehicular entrances that would not exceed 3.5m in width. However, the Roads Department of the planning authority reported that two separate vehicular entrances are not feasible given the proximity of the existing vehicular entrance to an existing

street pole and tree. The Roads Department of the planning authority agreed that a shared access for both the existing and proposed dwelling would be acceptable subject to dedicated (separate as much as possible car parking). A clarification of additional information request would address same.

Paragraph 4

The applicant was requested to address sustainable urban drainage systems (SuDs) requirements.

Case officer assessment of Paragraph 4 response

Soakaways have been omitted and replaced with rain water planters, green roof, permeable paving and grass area / soft landscaping. The planning case officer welcomed the SUDS measures proposed.

The planning case officer requested the following clarification of additional information on the 27/11/23. The applicant responded on the 19/12/23.

Paragraph 1 is summarised below

Further to additional information the majority of the proposed dwelling, in terms of length and scale, would still be proximate to the amenity space of no. 105 Boot Road. The proposed dwelling should be significantly redesigned to address concerns. The bulk of the dwelling (two-storey element) should be brought forward (move north-west) on site and reduced in scale as appropriate.

Case officer assessment of Paragraph 1 clarification response

The projection of the two storey element from the rear building line of no. 105 Boot Road has been reduced by 1m. The single storey rear projection has been revised by 0.4m. The 3m way leave to the surface water drain is maintained. However, notwithstanding the above detailed amendments, the majority of the proposed dwelling, in terms of length and scale, remains proximate to the amenity space of no. 105 Boot Road resulting in overbearing, visual impact and potential overshadowing. The case officer concluded that the matter had not been satisfactorily addressed and recommended refusal of permission.

Paragraph 2

The request acknowledged that two separate vehicular spaces are not feasible.

Case officer assessment of Paragraph 2 clarification response

A shared vehicular entrance for the existing and proposed dwelling is proposed. The existing vehicular access would be maintained at approximately 5.4m, as shown on the site plan. Dedicated and separate on site car parking for the existing and proposed dwellings are provided. A new 0.6m high wall between parking areas is proposed. The case officer concluded this matter had been satisfactorily addressed.

Paragraph 3

The applicant was asked to submit a full set of revised drawings and floor areas aligned with SUDS, as a result of design changes.

Case officer assessment of Paragraph 3 clarification response

The case officer concluded this matter had been satisfactorily addressed.

3.2.2. Other Technical Reports

The proposed development is acceptable subject to revisions by way of additional information, clarification of additional information and by way of condition.

4.0 Planning History

The following planning history is relevant.

There is no recent planning history that relates to subject site. However, the recent planning history on the adjoining site at no. 104 Boot Road is relevant.

In 2019, under register reference SD19A/0131 planning permission was granted for the demolition of shed buildings and the construction of a 2-storey 2-bedroom detached dwelling with attic conversion. Vehicular entrance to Boot Road is as existing.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of South Dublin County Council (SDCC) and are set-out below:

- Zoning

The relevant land-use zoning objective is “RES” (Map 5): *‘To protect and/or improve residential amenity.’*

A small portion of the site is zoned (where the site indents to the east) “OS”: *‘To preserve and provide for open space and recreational activities’.*

The Zoning Objectives are listed in Chapter 12 (Implementation & Monitoring), the relevant Table 12.15 (Land-Use Zoning Objective “OS”) contains a limited number of permissible uses, which does not include residential. However, Residential* is an open for consideration when this accords with the requirements of H3 Objective 4, which states:

To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective “OS” (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate and the amenities of the area are preserved.

- Urban Consolidation

Chapter 2 (Core Strategy & settlement Strategy). Section 2.2 is relevant and states:

The Core Strategy is made up of the settlement hierarchy and growth strategy for South Dublin County and is an essential part of the Plan demonstrating that the quantum and location of development in the County is in line with National and Regional planning policy.

The core strategy is depicted diagrammatically in Figure 10 (Core Strategy Map). The application site is located within the designation of ‘Dublin City and Suburbs’.

Policy C54 (Active Land Management) Objective 2 is relevant and states:

To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing

appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

Policy CS6 (Settlement Strategy – Strategic Planning Principles) is relevant and states:

To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

- Infill Development

Policy H1 Objective 7 is relevant and states:

To ensure population growth and increased housing densities take place within and contiguous to Dublin City and Suburbs and the County's town boundaries suited to their strategic regional role, subject to good design and development management standards being met.

Policy H13 (Residential Consolidation) Objective 3 is relevant and states:

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.

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation), *inter alia* Paragraph Corner / Side Garden Sites is relevant.

Development on corner and / or side garden sites should be innovative in design, appropriate in 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.

- Vehicular Access

Chapter 7 (Sustainable Movement) Policy SM5 and Chapter 12 (Implementation and Monitoring) 12.7.4 (car parking standards) and 12.7.6 (Car Parking Design Layout) are relevant.

- Other relevant policy documents

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA) (June 2019).
- The Department of Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).
- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

5.2. EIA Screening

- 5.3. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established suburb, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

- It is claimed the one reason for refusal does not provide sufficient justification, other than the development proposal does not meet the provisions of the South County Dublin Development Plan. The applicant claims that the layout and configuration of the proposed modest house with the feeling of a larger family home is well thought out by an architect aligned with the residential zoning objective and that the refusal reason appears irrational and illogical when the sustainable proposal is properly considered.
- The planning authority accept the principle of an infill residential dwelling. However, the planning authority fails to point out specifically how potentially

the development would be overbearing and visually dominant. The proposed single dwelling is located to the side of the property at no. 105 Boot Road and would be 4956mm wide (less than 5m wide), which is less than the width of 105 Boot Road even if the side extension (1350mm) is not included. Furthermore, the immediate local area has planning permission for houses of similar scale.

- The planning authority refer to the proposed development being 'visually dominant' from the rear. The planning authority did not refuse the development on these grounds initially rather the planning authority asked for additional information twice. The appellant has appended the clarification of additional information response, dated 11 December, 2023, to the appeal statement.
- The response to additional information and clarification of additional information has resulted in significant revisions to the proposal including moving the footprint 1600mm forward to the south west. The ground floor of the proposal has been shortened in length by 1000mm and the first floor by 400mm to reduce visibility.
- The raising of the proposed shared property boundary between no. 105 Boot Road and the infill house was increased in height by way of the first additional information response. The planning authority appeared to accept the revision.
- There is a precedent to set-back houses in the streetscape, as can be seen in the difference of no. 96 and no. 97 Boot Road, as well as no.100 and no.101 Boot Road. It is illogical that the proposal would adversely impact the immediate neighbour at 105 Boot Road.
- The sustainability of the proposal is demonstrated by the application of Urban Sustainable Drainage Systems, as is incorporated in the response to an additional information request on surface water.
- The site is a vacant hard surfaced area, which was originally a location for heavy duty trucks is underutilised. The proposal would provide additional residential accommodation and would improve the aesthetic. The proposal would not have an adverse impact on the amenities of neighbouring properties. This is evidenced in the initially reservations of the planning

authority in the matter of car parking, which was addressed by additional information response.

- Furthermore, a side passageway would be provided to give access to the rear of no. 105 Boot Road, which would enhance the residential amenities of the adjoining property. The owner of no. 105 Boot Road does not object to the proposal but is supportive.
- A letter of support is attached to the appeal statement. The letter details dis amenity resulting from the underutilisation of the site.
- In the event the appeal of the application is unsuccessful, a substantially different application would need to be submitted least it would be refused for being the same application. However, the appellant cannot put the proposed dwelling further in the direction of north/east/south or west. Therefore the appellant cannot realise the theoretical principle of development of an infill house acceptable to the planning authority.
- The appellant notes that the assessment of the planning authority cites the location of the proposal to the southwest of no. 105 Boot Road. No.105 is not located to the southwest of the site but to the northwest.
- There are no objections from local residents or otherwise. The proposal is supported by Councillor Trevor Gilligan who lives at 100 Boot Road. A letter of support confirming no local objection to the proposal is attached.

6.2. Planning Authority Response

The planning authority confirms its decision. The issues raised in the appeal have been covered in the CEO Order.

6.3. Observations

None recorded.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to construct an infill detached 2-storey 2-bedroom dwelling house in the side garden of no. 105 Boot Road. The proposed infill house would have a floor area of 115 sqm. The existing house at no. 105 Boot Road has a floor area of 102 sqm. The infill house would have dedicated car parking space within a shared access existing car park area to the front of the infill house, which would provide one off-street parking space for the existing house and one off-street parking space for the infill house.
- 7.3. The development proposal has been revised by way of additional information and clarification of additional information response. The proposed street elevation of the infill house, is significantly recessed behind the front building line of the existing streetscape. The front elevation was set forward of the rear building line of no.105 Boot Road by 500mm, as initially submitted to the planning authority.
- 7.4. The footprint was revised by additional information response to set forward the front building line by 1300mm. Subsequently the footprint was further revised by clarification of additional information to set forward the front building line by 2100mm from the rear building line of no.105 Boot Road. Furthermore, the ground floor footprint of the infill house has been shortened in length by 600mm (from 16250mm to 15650mm) and the first floor footprint by 200mm (from 12400mm to 12200mm).
- 7.5. The planning authority refused permission for the development proposal by reason of the sitting and design of the infill house principally by reason of the set back of the infill house from the immediate neighbour. The planning case officer states that the proposed development would seriously injure the amenity of the immediate neighbour to the west-south-west at no. 105 Boot Road, which would be contrary to the 'RES' residential zoning objective that seeks to protect and/or improve residential amenities.
- 7.6. The applicant claims that the layout and configuration of the proposed modest family home is well thought out by an architect and that the refusal reason appears

irrational and illogical when the proposal is properly considered. The appellant notes that there is a precedent to set-back houses in the streetscape, as can be seen in the separation distance set back of no. 96 and no. 97 Boot Road, as well as no.100 and no. 101 Boot Road. The appellant claims that the proposal to set back the infill dwelling house from no. 105 Boot Road would not therefore adversely impact the immediate neighbour at 105 Boot Road.

7.7. The relevant planning matters arising are interrogated in my assessment under the following main headings below:

- Principle of development
- The Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Infill development
- Vehicular access

7.8. The principle of development

National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and support the densification of existing urban / suburban areas and, as such, promote the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

The strategic objective of compact growth is supported in principle by densification of urban / suburban sites in particular lands accessible by walking, cycling and public transport. The proposed infill development site is in an accessible location (approximately 1 km from Red Cow transport hub) served by frequent public transport.

7.9. The South Dublin County Development Plan 2022-2028 policy framework supports urban consolidation objectives aligned with national and regional compact growth targets. Policy CS6 (Settlement Strategy – Strategic Planning Principles) promotes compact growth and supports high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs.

- 7.10. The core strategy is depicted diagrammatically in Chapter 2, Figure 10 (Core Strategy Map) of the South Dublin County Development Plan 2022-2028. The application site is located within the designation of 'Dublin City and Suburbs'. Section 2.7.1 (Dublin City & Suburbs) of the South Dublin County Development Plan 2022-2028 states that the 'Dublin City & Suburbs' designation is the only nationally and regionally defined settlement within South Dublin County.
- 7.11. Policy H1 Objective 7 of the South Dublin County Development Plan 2022-2028 requires population growth and increased housing densities to take place within and contiguous to Dublin City and Suburbs and the County's town boundaries subject to good design and development management standards. I consider that the proposed development, which would provide one additional dwelling unit within the existing built-up area of 'Dublin City and Suburbs', would align with national, regional and local compact growth / urban consolidation objectives subject to meeting development management standards.

Zoning

- 7.12. The development site is zoned predominantly Objective "RES" of the South Dublin County Development Plan 2022-2028, which seeks to protect and/or improve residential amenity. It is noted that part of the development site in the location of the existing front vehicular parking area where the plot indents to the east is zoned objective "OS" : *To preserve and provide for open space and recreational amenities*. I consider that the provision of an additional dwelling would be consistent with the substantive residential zoning of the site.
- 7.13. The development site comprises the side garden of an existing dwellinghouse located within an established suburban area where piped services are available. I consider the development site is an appropriate location for infill residential development. I would concur with the planning case officer that the subject site is considered to be of a sufficient size to accommodate an additional dwelling.
- 7.14. Sustainable Residential Development and Compact Settlement Guidelines
- The development site is within a 'City-Urban Neighbourhoods' categorisation given its location within the urban conglomeration of Dublin City and suburbs and proximity to public transport interchange. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national

planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement.

- 7.15. The Guidelines acknowledge that to achieve compact growth more intensive use of existing buildings and properties must be supported, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.
- 7.16. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.17. Infill development

Policy H13 (Residential Consolidation) Objective 3 supports proposals for the development of corner or side garden sites within the curtilage of existing houses in established residential areas subject to development management standards. Section 12.6.8 (Residential Consolidation), Paragraph Corner / Side Garden Sites of the South Dublin County Development Plan 2022-2028 provides criteria for the assessment of corner / side garden infill development sites, which includes criteria for the protection of the existing residential amenities of adjoining properties.

It is noted that there are commercial premises to the south and east of the development site. An infill house to the north has been granted planning permission (2019) in the side garden of no. 104 Boot Road under register reference SD19A/0131. I consider that the proposed development would not have an adverse impact on the properties to the north, east and south. No. 105 Boot Road and the neighbouring terrace properties in the streetscape, comprising nos-105-112 Boot Road, are located to the west. My assessment below considers the potential impact of the proposal on the residential amenities of No.105 Boot Road and neighbouring properties.

Siting of the footprint of the infill house relative to no.105 Boot Road

- 7.18. Section 12.6.8 (Residential Consolidation), Paragraph Corner / Side Garden Sites *inter alia* requires dwelling(s) to generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. However, the criteria acknowledges that buildings can be set back behind the front building line. The appellant has stated that there is a precedent for houses within the Boot Road streetscape to be set back behind the dominant front building line, as proposed in the instance of the subject infill house.
- 7.19. The applicant proposes to sub-divide the existing curtilage of no.105 Boot Road to create an independent development plot. The substantive reason for refusal is the adverse impact of the proposal on no.105 Boot Road immediately to the west in terms of overbearing and visual impacts given the location of the substantive part of the infill house behind the rear building line of 105 Boot Road.
- 7.20. No.105 Boot Road is the end house in a streetscape that elevates onto a large triangular shaped centrally located public space. I note on the day of my site visit that the adjoining streetscape positioned at a right angle to the subject streetscape, comprising nos. 105-112 Boot Road, elevates onto the public space following an indicative building line and comprises a number of terraces.
- 7.21. These terraces comprising nos. 89-92 Boot Road, nos. 93-96 Boot Road, nos. 97-100 Boot Road and nos. 101-104 Boot Road. They are positioned at an angle to the public space. The position of each terrace is marginally recessed behind the adjoining terrace moving north to south. No.104 Boot Road the adjoining property to the north is recessed behind the southern-most terrace.
- 7.22. It is considered that siting of the proposed infill house recessed behind the dominant front building line of the subject streetscape, comprising 105-112 Boot Road, would be acceptable in urban design terms given the end of terrace location of the development site and the configuration of the existing terraces elevating onto the central public space.
- 7.23. The applicant has by way of additional and clarification of additional information revised the footprint of the infill house. The front elevation of the house is now set 2100mm forward of the rear building line of no.105 Boot Road. The front building line is 1600mm forward of the position initially submitted to the planning authority. I

consider that the recessed streetscape frontage of the proposed infill house, providing an approximate 5m set back from the dominant front building line of the main terrace streetscape, comprising 105-112 Boot Road, is acceptable in principle.

Overbearing

- 7.24. The planning authority concluded following the revision of the proposed development by additional information and clarification of additional information response that the infill house by reason of its length, configuration and scale in proximity to the southwest site boundary, would be overbearing and visually dominant when viewed from the rear garden of the immediate neighbour at no.105 Boot Road and would therefore adversely impact on the amenities of this neighbouring property. I do not concur with the planning case officer conclusion.
- 7.25. The applicant has revised the proposal to provide a footprint at ground floor level that would measure 15650mm x 4924mm. The infill house would project 13550mm behind the main rear building line of no. 105 Boot Road at ground floor level. The applicant has revised the proposal to provide a footprint at first floor level that would measure 12200mm x 4924mm. The first floor would project 10100mm behind the main rear building line of no. 105 Boot Road. I acknowledge that the approximate 10m projection of the house at first floor level behind the rear building line of the existing dwelling at 105 Boot Road is a significant planning consideration.
- 7.26. However, I note that the infill house would not be located on the proposed shared property boundary rather it would be located 1200mm from the boundary. I consider that the physical relationship between no.105 Boot Road and its side curtilage would be fundamentally altered by the infill development to the immediate east of the existing dwelling house.
- 7.27. The west elevation would comprise a two-storey gable style elevation rising to a maximum height of approximately 5m at ridge apex. I note that a 3350mm separation distance is provided between the west elevation of the infill house and the first-floor gable elevation of the existing house. Furthermore the applicant has relocated and compressed the footprint of the house by way of additional and clarification of additional information response.
- 7.28. Finally, I do not consider that a refusal of planning permission is warranted on the grounds of overbearing and visual impacts. On balance the proposed footprint,

height and massing would be acceptable given the national, regional and local policy framework to support infill housing development within established urban / suburban neighbourhoods, the principle of development on the subject infill site, which is acceptable, the constraints of the site with reference to existing drainage infrastructure, the proposed separation distance of the new house from the proposed shared property boundary (1200mm) and the revisions incorporated by the applicant by way additional information and clarification of additional information response, which reduces massing on the proposed boundary.

Overshadowing

- 7.29. The height and proximity of the proposed infill house to the east may result in limited overshadowing of the truncated rear garden of no. 105 Boot Road. However, the garden has a south east orientation. I do not consider that the proposed development would have a significant adverse impact in terms of overshadowing.

Overlooking

- 7.30. The applicant by way of additional information has clarified the height and material finish of the shared boundary wall, which would be 2m in height mitigating overlooking of the adjoining property from the proposed ground floor window openings in the side west elevation.
- 7.31. There are two standard window openings at first floor level that would light the stairwell and bedroom corridor. One of the openings has been introduced at additional information response stage. The window openings would elevate directly onto the rear residual amenity space of no.105 Boot Road and would have a prospect toward the rear gardens of the adjoining houses in the subject terrace. The applicant proposes to incorporate opaque glass within the openings.
- 7.32. I consider that the omission of the proposed standard window openings and the replacement with one high level opening would be a reasonable modification of the development proposal in the interests of residential amenity given the potential perception of overlooking that may arise from the incorporation of standard openings. This can be dealt with by way of condition.

Residential standards, building design and open space

- 7.33. The proposed infill house would in general satisfy internal residential standards and open space standards.
- 7.34. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires 40 sqm. of private open space for a 3-bedroom house (130 sqm. provided) and 30sqm. for a 2-bedroom dwellings (96 sqm. provided). The proposed infill dwelling and existing dwelling truncated garden would satisfy private open space standards.
- 7.35. The proposed infill house would exhibit a contemporary design and would have an acceptable elevation finish that responds to local context.
- 7.36. Finally, I note the letter of the owner of no. 105 Boot Road stating that the side garden of the house is under-utilised and that there are dis-amenity issues arising from its current underutilisation. I consider that the development of the side garden would represent a planning gain in terms of providing additional residential unit on site while facilitating the activation of an underutilised site.

7.37. Vehicular access

The initial additional information request revised details given that the principle of sharing a vehicular entrance and parking area for both the existing house and the proposed house was problematic. Furthermore, a vehicular access width of 3.5m between gate pillars should not be exceeded. The applicant provided revised drawings, which provided for separate vehicular entrances with entrances that would not exceed 3.5m in width. However, the Roads Department of the planning authority reported that two separate vehicular entrances are not feasible given the proximity of the existing vehicular entrance to an existing street pole and tree.

The Roads Department of the planning authority agreed that a shared access for both the existing and proposed dwelling would be acceptable subject to dedicated (separate as much as possible car parking. A clarification of additional information provides two dedicated car parking spaces with a shared access. The existing vehicular access would be maintained at approximately 5.4m, as shown on the site plan submitted with the clarification of additional information response. The Roads Department of the planning authority are satisfied with the 5.4m entrance opening. This can be dealt with by way of condition.

7.38. Conclusion

In conclusion, on balance the proposed development would be acceptable in principle given the national, regional and local policy framework to support infill housing development within established urban / suburban neighbourhoods.

The principle of development on the subject infill side-garden site is acceptable. The development proposal is supported by the constraints of the site with reference to existing drainage infrastructure, the proposed separation distance of the new house from the proposed shared property boundary (1200mm) and the revisions incorporated by the applicant by way of additional information and clarification of additional information response, which marginally relocates the building footprint forward of the rear building line of no.105 Boot Road and compresses the footprint in part mitigating massing along the proposed shared property boundary.

- 7.39. I conclude that the proposed development, subject to condition, would be consistent with Policy H13 Objective 3 (residential consolidation) and would generally be consistent with Section 12.6.8 (infill development sites), Paragraph Corner / Side Garden Sites of the South Dublin County Development Plan 2022-2028, would not have a significant negative impact on the amenities of adjoining properties, including no.105 Boot Road and, as such would be consistent with the proper planning and sustainable development of the area.

7.40. **Appropriate Assessment Screening**

The proposed development comprises an infill dwelling house in an established suburban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

- 8.1. I recommend a grant of planning permission subject to condition having regard to the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the grounds of appeal, the residential zoning objective, the accessible location of the development site serviced by public transport and the urban consolidation policy framework provided by the South Dublin County Development Plan 2022-2028 and national and regional policy objectives and guidelines, including the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), it is considered that the proposed development, subject to condition, would provide a reasonable level of residential accommodation on site, would be consistent with the established pattern of development in the area comprising terraced houses with variation in building line, would not have a significant adverse impact on the existing residential amenities of adjoining properties, including the amenity of no.105 Boot Road, and as such, would be consistent with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 9th day of November 2023 and by the further plans and particulars received on the 19th day of December, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer is requested to submit for the written agreement of the Planning Authority revised drawings providing for the following modifications:</p>

	<p>(i) The first-floor window openings in the west side elevation shall be amalgamated to form one high level window opening.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Details of 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>Reason: In the interest of visual amenity.</p>
6.	<p>The developer shall adhere to the recommendations of the Transportation Department of the Planning Authority.</p> <p>Reason: In the interest of road safety and in the interest of orderly development.</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 800 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 residential amenities of property in the vicinity</p>
8.	<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>

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.



Anthony Abbott King
Planning Inspector

17 May 2024