

An
Bord
Pleanála

Inspector's Report ABP319180-24

Development

Amendments to previously approved scheme ref 2481/19 notably demolition and removal of existing sheds, garden walls to the rear of no. 2 Newbridge Avenue, construction of a 3-bedroom detached flat roof two storey mews house, alterations to existing rear garden wall, pedestrian access, landscaping, drainage works and ancillary and associated works.

Location

Rear Garden, 2, Newbridge Avenue, Sandymount, Dublin 4.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB2073/23.

Applicant(s)

Angus Walker & Zara Fullerton.

Type of Application

Permission.

Planning Authority Decision

Grant permission.

Type of Appeal

Third Party

Appellant(s)

Paul Berney and Breda Berney.

Observer(s)

None.

Date of Site Inspection

23/04/2024.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The development site is located in the side garden of no. 2 Newbridge Avenue, Sandymount, Dublin 4 at the rear of the side garden and within the historic curtilage of no. 2 Newbridge Avenue. The site is currently in lawn bounded by stone walls.
- 1.2. No. 2 Newbridge Avenue is an end of terrace single-storey over raised basement period house in a terrace of 5 single-storey over basement principally 2-bay period houses built circa. 1840.
- 1.3. The entrance to no. 2 Newbridge Avenue is located in the side elevation of the terrace set-back from the street. The entrance front elevates onto a generous side garden with boundary wall to the street and vehicular entrance.
- 1.4. The entrances to the other houses in the terrace elevate directly onto Newbridge Avenue. The adjoining houses, including no. 4 Newbridge Avenue abutting no. 2 Newbridge Avenue, have wrought iron railings and plinth to their street frontage enclosing a shallow front garden with steps leading up to the entrance doors.
- 1.5. The development site bounds the rear garden of no. 4 Newbridge Avenue to the north-east and the grounds and access lane, known as "Baggotrath Lane", to the "Baggotrath House" apartments to the south-east and south-west, respectively.
- 1.6. Fairfield Court is a terrace of 3 modern houses set back from Newbridge Avenue to the south of No. 2 Newbridge Avenue. The northern gable of no.1 Fairfield Court is aligned with the indicative subdivision line of the rear / side garden of no.2 Newbridge Avenue.
- 1.7. The site area is given as 214.83 sqm.

2.0 Proposed Development

Amendments to previously approved scheme register reference: 2481/19 for the demolition and removal of existing sheds and the construction of a 3-bedroom detached flat roof two storey mews house to the rear of no. 2 Newbridge Avenue, ,alterations to existing rear garden wall pedestrian access, landscaping, drainage and ancillary and associated works.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 12 conditions.

Condition 5 is relevant:

Development shall not commence until revised, plans drawings and particulars showing the following amendments have been submitted to and agreed in writing by the Planning Authority.

(a) The first floor plan shall be amended so that the position of bedroom no. 2 is switched with the proposed ensuite and walk in wardrobe for bedroom 3.

(b) Any windows on the southern elevation at first floor level and the angled window on the west elevation shall be permanently glazed with obscure glazing.

Reason: In the interests of privacy and amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

No objection subject to condition.

4.0 Planning History

The relevant planning history is summarised below:

- Under Register Ref:2481/19 planning permission, subject to 12 conditions, was granted for the demolition and removal of existing shed, garden walls and outhouses to the rear of no. 2 Newbridge Avenue and the construction of a 3-bedroom detached flat roof two-storey mews house.

5.0 Policy and Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the relevant local planning policy document. The following policy objectives are relevant.

The relevant land-use zoning objective is Z2 (Map F) 'Residential Conservation Area': *To protect and/or improve the amenities of residential conservation areas.*

Residential is a permissible use.

- Residential Conservation Areas

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

All planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

- *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- Strategic Considerations

Chapter 2 (Core Strategy) of the Dublin City Development Plan 2022-2028 details the projected population targets for Dublin City, which are vertically aligned with national population projections.

Section 2.2.2 (Population and Housing Targets) states:

The NPF identifies a minimum target population of 1,408,000 (minimum target population) for Dublin City and Suburbs (including all four Dublin local authority areas) by 2040, representing a 20-25% population growth range from 2016.

Furthermore, Chapter 2, Section 2.7.4 (Development Management) states:

Development management will play a leading role in the implementation of the development plan on a site by site basis, ensuring that development applications (planning application, Part 8, Section 5 etc.) are in substantial compliance with policies, objectives, and standards as set out in this development plan.

- Urban Consolidation

Chapter 5 (Quality Housing and Sustainable Neighbourhoods) is relevant including:

Policy QHSN6 (Urban Consolidation) is relevant. The policy promotes and supports residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing building stock and use of upper floors subject to the provision of good quality accommodation.

- New House Development

Chapter 15 (Development Standards) Section 15.4 (Key Design Principles)

High quality design supports the creation of good places and has a positive impact on health and well-being. All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. A list of key design principles are provided for consideration in the assessment of development proposals.

Chapter 15 (Development Standards), Section 15.5.1 (infill Development) is relevant and states:

Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings. Infill development should satisfy the following criteria to include:

- *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
- *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*

Chapter 15, Section 15.11 (House Development) provides standards *inter alia* for floor area, Daylight / sunlight, private open space and separation distances between buildings.

- Backland Development

Chapter 15, Section 15.13.4 (Backland Housing) of Chapter 15 is relevant:

Backland development is generally defined as development of land that lies to the rear of an existing property or building line.

Backland housing can comprise of larger scale redevelopment with an overall site access; mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with and independent vehicular access.

- Mews Housing

Chapter 15, Section 15.13.5 (Mews) is relevant:

Historic mews structures mainly comprised stabling with living quarters were typically two- storey in height and had an integral carriage arch for access. During the 20th Century, many older mews structures were adapted for warehouse or garage use. Mews dwellings are an integral part of backland development across the city. Mews dwellings are typically accessed via existing laneways or roadways serving the rear of residential developments.

Section 15.13.5.1 (Design and Layout) is relevant and *inter alai* states:

Traditional and/ or high quality contemporary design for mews buildings will be considered. The materials proposed should respect the existing character of the area and utilise a similar colour palette to that of the main structure.

Section 15.13.5.2 (Height, Scale and Massing) is relevant and *inter alai* states:

New buildings should complement the character of both the mews lane and main building with regard to scale, massing, height, building depth, roof treatment and materials.....

Section 15.13.5.3 (roofs) is relevant and *inter alai* states:

The roof profile for mews buildings should be simple and in keeping with the character of the area. The following roofs are suitable: flat green or low-pitch metal roofs and double pitched slate roofs similar to the surviving mews building. All pitched roofs should run parallel with the mews lane with no ridge lines running perpendicular to the lane.

Section 15.13.5.3 (roofs) is relevant and *inter alai* states:

Parking provision in mews lanes, where provided, may be in off-street garages, forecourts or courtyards, subject to conservation and access criteria.

- Other Policy Considerations

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- 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 Housing, Local Government and Heritage 'The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities', (15 January, 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 inner 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, prepared by Armstrong Planning on behalf of the appellant, are summarised below:

- The appellant resides at no. 4 Newbridge Avenue directly adjacent to the appeal site at no. 2 Newbridge Avenue. The side boundary of the rear garden of the appellant's house bounds the development site and is located north of the proposed mews house, as such, their interests stand to be significantly affected by the form and scale of the proposed development.
- The appellants supported the previously permitted mews house on the site but request refusal of the modified house principally on the grounds of its overbearing and overshadowing impacts on their property.
- The proposed modifications to the permitted mews house are substantial in nature. The current revised proposal is unacceptable in terms of its scale and positioning. The following represent significant changes to the development previously assessed:
 - The permitted scheme (Register Ref: DCC2481/19) was assessed under the previous development plan;
 - The red line boundary of the development site has been modified resulting in a 41% increase in site area from 152 sqm. to 214.8 sqm.;
 - Comprehensive revision to the mews house layout;
 - The length of the proposed ground floor along the northern boundary has increased by 41% (from 12.7m as permitted to 17.4m as now proposed), and
 - The footprint of the proposed structure had advanced 5m westward.

- The footprint of the proposed modified mews house would move 5m westward of the permitted development and the 0.5m set back between the northern shared property boundary with the appellant's house and garden at no. 4 Newbridge Avenue and the proposed house would be omitted.
- The proposed mews house abuts the shared property boundary with no. 4 Newbridge Avenue. The proposal as modified would have a significant overbearing impact on the adjoining property running 17.4m in length at ground floor level and 13m in length at first floor level along the property boundary. The proposal would represent a 5.7m high blank facade with no set-back from the shared boundary wall.
- The appellant has prepared a massing study to illustrate, it is claimed, the significant overbearing impact of the proposed development subject to modification on no. 4 Newbridge Avenue abutting the development site. The overbearing impact on the house and garden is clearly contrary to the Z2 zoning objective, which seeks to protect and/or improve the residential amenities of residential conservation areas.
- The appellant currently enjoys a sunny aspect to the rear of their property. The increased length of the mews house along the shared boundary will exacerbate overshadowing impact on the private amenity space of no. 4 Newbridge Avenue, which is located directly to the north of the proposal.
- It is claimed that the degree of overbearing and overshadowing impact and lack of any cohesiveness with the existing pattern of development in the area is deemed unacceptable, would significantly compromise the residential amenity for occupants of no. 4 Newbridge Avenue and would result in a considerable reduction in the property price.
- The appellant claims that the proposal would be inconsistent with Section 5.3.2 of the Quality Housing for Sustainable Communities (2007) in regard to the substandard size of two of the proposed bedrooms. It is claimed that the proposed development is substandard and will result in poor quality residential accommodation for future occupants.

6.2. Applicant Response

The applicant response, prepared by Gilna Architecture on behalf of the applicant, is summarised below:

- The applicant acknowledges that the footprint of the mews house has increased. However, the mews house is still at a remove from main house at no. 4 Newbridge Avenue, is reflective of the patterns of houses and apartments to the rear of main houses in the vicinity and of the parent permission for the authorised mews house (Register Ref: DCC2481/19).
- The assessment of overshadowing impacts in winter months is not credible. The shadow analysis also shows overshadowing to no. 6 Newbridge Avenue due to the presence of mature trees at no. 4 Newbridge Avenue.
- The depreciation of property is not a planning matter per se.
- The accommodation on site exceeds Table 5.1 of the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities (2007) for a 3 bedroom / 6 person 2-storey dwelling.
- The applicant has had several meetings with the appellants at no. 4 Newbridge Avenue prior to lodging the application in order to address concerns.

6.3. Planning Authority Response

The planning authority would request the Board to uphold their decision. The planning authority would request that if permission is granted that a condition requiring the payment of a Section 48 development contribution is attached.

6.4. Observations

None

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the applicant response and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The planning authority granted permission for the modification of a previously authorised 3-bedroom mews house at no. 2 Newbridge Avenue granted under DCC Register Ref: 2481/19. The applicant claims the modifications to the authorised house are motivated by a requirement for revised family accommodation and energy efficiency. The orientation of the principal rooms is to the south and west to benefit from solar gain and the flat roof would accommodate solar panels.
- 7.3. The development site has been extended to provide for a larger building footprint and a larger external amenity space. The floor area of the revised house plan would be 138 sqm in comparison to the previously permitted 140 sqm. floor area. The site area is given as 214.83 sqm in comparison to the previous site area of 152 sqm. The infill house is accessed via a pedestrian gate from the rear onto "Baggotrath Lane" where a dedicated car parking space would be located.
- 7.4. The appellant does not object to the principle of a mews house on site and did not object to the permitted house granted under DCC Register Ref: 2481/19. However, in the instance of the current proposal, the appellant claims that the form and scale of the proposed revised development would have a significant negative impact on their residential amenity given that their residence at no. 4 Newbridge Avenue bounds the development site to the south and is to the north of the proposal.
- 7.5. The appellant claims that the adverse impacts of the infill development would be wholly extruded onto the northern boundary principally by the relocation of the footprint of the proposed house to the west and north onto the shared property boundary. It is claimed the omission of the previously approved 0.5m set back between the north elevation of the house and the shared boundary combined with the increase in massing along the subject boundary, as a result of an increase in the length of the house from 12.37m to 13.1m, would create an unacceptable sense of enclosure without local precedent.

7.6. The appellant claims that the amendments proposed represent significant changes to the development previously assessed and permitted. The following planning matters, including the significant changes to the authorised development highlighted by the appellant, are assessed below under the following headings:

- The principle of development;
- The increase in the size of the development site;
- Revision to the mews house footprint and layout;
- The increase in length of the proposed development along the northern shared property boundary;
- Residential conservation area designation;
- Other matters.

The principle of development

7.7. The appellant claims that the previously permitted scheme was assessed under the provisions of the previous development plan and not the current plan. This is a material consideration. However, the provisions of the Dublin City Development Plan 2022-2028 strongly promote compact growth and urban consolidation. There are a suite of policy objectives supporting appropriate infill development in the current plan and the principle of backland and mews development has an established policy context over a number of city development plans.

7.8. The site is zoned Z2 (Residential Conservation) in the Dublin City Development Plan 2022-2028, which seeks *to protect and/or improve the amenities of residential conservation areas*. Residential development is acceptable in principle subject to the protection of existing amenities.

7.9. The strategic national, regional, and local policy context promotes compact growth and urban consolidation by supporting densification of urban / suburban infill sites in particular lands accessible by walking, cycling and public transport. Newbridge Avenue is centrally located within an inner suburb and proximate to Lansdowne Road DART Station accessible to frequent public transport.

7.10. The Dublin City Development Plan 2022-2028 requires in the matter of compact growth and urban consolidation land use intensification. Policy QHSN6 (Urban

Consolidation), Chapter 5 (Quality Housing and Sustainable Neighbourhoods), promotes and supports residential consolidation through sustainable intensification of land use by considering *inter alia* applications for infill development and re-use / adaptation of the building stock subject to the provision of good quality accommodation.

- 7.11. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) provides guidance for compact urban settlements with a focus on sustainable residential development. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing.
- 7.12. Chapter 5 (Development Standards for Housing) of the Guidelines 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.
- 7.13. I consider that the principle of infill development is acceptable at this location *inter alia* given national, regional and local compact growth and urban consolidation goals and as established by the subject 3-bedroom house previously permitted.

The increase in the size of the site and revision of the red line boundary

- 7.14. The red line boundary of the development site has been revised resulting in a significant increase in the development site area from 152 sqm. to 215 sqm. The planning case officer states that the site is large enough to accommodate the size of the proposed dwelling without it appearing cramped or resulting in any overdevelopment. I would concur with the planning case officer assessment in the matter of site area and proposed context.
- 7.15. Furthermore, the location of the revised red line boundary is logically located with reference to the indent of the back garden of no. 4 Newbridge Avenue to the south, which provides the middle and rear section of the back garden of no. 4 Newbridge Avenue with an approximate 2m strip located behind the rear building line of no. 2 Newbridge Avenue (to the east of the northern section of the rear elevation of No. 2 Newbridge Avenue).

- 7.16. The revised site boundary would ensure that the residual rear garden of no. 2 Newbridge Avenue would form a coherent oblong amenity space facing south with a continuous rear boundary separating it from the rear garden of no. 4 Newbridge Avenue and from the curtilage of the infill house. I consider that the main dwelling house at no. 2 Newbridge Avenue would have an acceptable residual side and rear garden area
- 7.17. Finally, the infill house would have amenity space to the south, west and east comprise a garden measuring 101 sqm. with an additional entrance courtyard measuring approximately 18 sqm.

Revision to the mews house footprint and layout

- 7.18. The revised development proposal provides for the relocation of the footprint of the house to the north and west enabling the creation of a courtyard space (17.8 sqm) to the east of the site between the proposed pedestrian entrance from "Baggotrath Lane" and the threshold entrance to the house. The entrance courtyard would also provide a dedicated location for bin and bicycle storage.
- 7.19. The relocation of the footprint would require the omission of the previously approved 0.5m set back between the north elevation of the house and the shared boundary with the back garden of no. 4 Newbridge Avenue. The appellant has prepared a massing study to illustrate, it is claimed, the significant overbearing impact of the proposed revised development on the back garden of no. 4 Newbridge Avenue now directly abutting the north elevation of the infill house.

The increase in length of the proposal along the shared northern property boundary

- 7.20. The appellant claims that length of the proposed ground floor along the northern boundary has increased by 41% (from 12.7m as permitted to 17.4m as now proposed). I note that the north elevation of the revised development would extend 13.100m along the shared property boundary at ground floor level and 11.445m along the boundary at first floor level. The house would have a flat roof and a maximum height of 5.750m to parapet level as previously permitted (5.750m).
- 7.21. The proposed movement of the footprint of the house toward the west of the site would result in a development zone measurement of 17.4m along the shared property boundary: measuring the distance from the rear boundary of the development site to the west elevation of the proposed house located perpendicular

to the shared boundary wall comprising the courtyard boundary wall (4.294m) and the ground floor elevation of the house (13.100m).

The relocation of the building footprint westward.

- 7.22. The appellant claims the footprint of the proposed revised house would advance 5m westward. I have reviewed the permitted development and revised drawings. The building footprint has extended approximately 5m to the west of the site toward the main house at no. 2 Newbridge Avenue. However, I consider that the separation distances between the revised footprint of the house and the rear elevation of no. 2 Newbridge Avenue (approximately 20m) and no. 4 Newbridge Avenue (approximately 16m), measured from the first floor west elevation of the proposed house to the main elevation of the properties on Newbridge Avenue, are acceptable.

Cumulative potential impact of the proposed modifications.

- 7.23. The relocation of the footprint westward and northward onto the shared property boundary with no. 4 Newbridge Avenue and the increase in length of the proposed north elevation of the house are material changes. I consider that the combination of footprint modification and building extent along the boundary are significant material changes to the permitted mews house in terms of building location and massing with reference to the adjoining property at No. 4 Newbridge Avenue.
- 7.24. I acknowledge that the physical relationship between No.2 Newbridge Avenue and No. 4 Newbridge Avenue will change significantly to the rear of both properties. I also acknowledge that the proposed modifications, additional to development previously permitted, would by increment increase the massing of the proposal along the shared property boundary. Furthermore, no. 4 Newbridge Avenue is to the north of the development site in the direct path of the sun.
- 7.25. However, it is considered that the revised development proposal would not have a significant adverse impact on the garden elevation and immediate amenity area to the rear of no. 4 Newbridge Avenue. I consider that overbearing and overshadowing impacts would be confined to the rear and middle garden area of no. 4 Newbridge Avenue.
- 7.26. Furthermore, it is noted that the long back garden of no. 4 Newbridge Avenue indents along its southern boundary east of the main dwelling house and return structures. The indent in the property boundary provides the middle and rear

sections of the back garden of no. 4 Newbridge Avenue with an approximate 2m strip located behind the rear building line of no. 2 Newbridge Avenue and to the east of the northern section of the rear elevation of no. 2 Newbridge Avenue.

- 7.27. The shadow studies submitted illustrate that there would be no discernible impact on the rear garden facade and immediate rear amenity space of no. 4 Newbridge Avenue on 21 March albeit that the middle and rear sections of the back garden would experience partial overshadowing.
- 7.28. I consider on balance that the proposed development as modified would not have a significant adverse impact on the residential amenities of no. 4 Newbridge Avenue given that the garden elevation and immediate amenity space to the rear of the property would not experience overbearing and overshadowing impacts.
- 7.29. In the matter of visual amenity, it is considered that there would be a significant alteration of physical relationship between the properties at no. 2 Newbridge Avenue and no. 4 Newbridge Avenue by reason of the insertion of an infill house in the rear side garden of no. 2 Newbridge Avenue. I do not consider that the previously permitted development providing for a 0.5m set back from the property boundary significantly mitigated the visual impact.
- 7.30. Furthermore, I do not consider on balance that the visual impact of the proposed development is a justification to recommend a refusal of planning permission on the grounds of significant adverse impacts on existing amenity. Finally, I consider that planting along the shared property boundary inside the garden of no. 4 Newbridge Avenue would provide a degree of mitigation.
- 7.31. It is noted that there are no window openings in the proposed north elevation and the first-floor window openings in the west elevation have been designed not to overlook the properties on Newbridge Avenue. I consider that the proposed modifications would be consistent with Section 15.5.1 (infill Development) of the Dublin City Development Plan 2022-2028.

Residential conservation area designation

- 7.32. The appellant claims the modifications would significantly compromise the residential amenity for occupants of no. 4 Newbridge Avenue and would be contrary to the residential conservation zoning objective. Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 protects the special

interest and character of all Dublin's conservation areas including *inter alia* requiring development within or affecting a residential conservation area to contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting.

- 7.33. I consider that proposed contemporary infill house exhibiting a flat roof profile, triple-glazed "aluclad" fenestration, predominantly rendered elevation finishes would respect the setting and character of the residential conservation area within which it is located.

Other matters

- 7.34. The appellant claims that the proposed development is substandard and will result in poor quality residential accommodation for future occupants. I consider that the proposed infill house would provide a reasonable level of accommodation on site. I note that the proposed infill house would in general be consistent with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024).
- 7.35. The planning case officer recommends the relocation of internal first floor accommodation in order to minimise overlooking from the south elevation first floor window openings. I consider that the separation distance from Fairfield Court to the south, the existence of mature planting and the use of the habitable rooms at first floor level as bedrooms mitigate overlooking concerns.
- 7.36. In terms of overlooking from the west elevation facing the rear of houses on Newbridge Avenue, the first floor angled window in the west elevation would have obscure glazing to mitigate direct overlooking to the west.

Conclusion

- 7.37. In conclusion, I consider that the proposed modifications to the permitted infill house located on a satellite development site in the side and rear garden of no. 2 Newbridge Avenue to the south east of the main house would be acceptable in principle and detail. The residential plot at no. 2 Newbridge Avenue would be subdivided to further reduce the side and rear garden of the property. I consider that the residual site area would provide an acceptable new and coherent curtilage to no. 2 Newbridge Avenue in terms of amenity space and separation distance from the proposed infill house.

7.38. I acknowledge that the permitted mews house and proposed modifications will significantly alter the physical relationship between the side and rear garden of No. 2 Newbridge Avenue and adjoining properties, including no.4 Newbridge Avenue. However, I conclude that the infill house as permitted and as revised by the modifications proposed would not on balance have a significant adverse impact on the residential amenities of adjoining properties, would be consistent with the policy framework for infill housing as provided for in the Dublin City Development Plan 2022-2028 and, as such, would be consistent with the proper planning and sustainable development of the area.

7.39. **Appropriate Assessment Screening**

The proposed development comprises modifications of a permitted infill house in an established urban 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 based on the reasons and considerations outlined below.

9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the zoning objective, which seeks to protect and/or improve the amenities of residential conservation areas, the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered, subject to condition, that the proposed modification of the development permitted under Reg. Ref: 2481/19 would provide a reasonable level of residential accommodation on site, would not have a significant adverse impact on the residential amenities of adjoining properties, including no. 4 Newbridge Avenue, would be consistent with Section 15.5.1 (infill Development) of the Dublin City Development Plan 2022-2028, would in general be consistent with Sustainable Residential Development and Compact

Settlements Guidelines for Planning Authorities (January 2024) and, as such, would be consistent with the proper planning and sustainable development of the area.

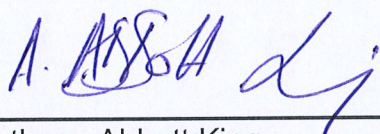
10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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>The developer shall comply with the conditions of the parent permission granted under Reg. Ref: 2481/19 except where modified by this permission.</p> <p>Reason: in order to clarify the scope of this permission and in the interests of orderly development.</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 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

03 May 2024