



An
Bord
Pleanála

Inspector's Report

ABP-319818-24

Development	Demolition of extension and shed; construction of ground floor extension and alterations to existing dwelling and construction of a new dwelling with all associated site works.
Location	162 Brandon Road, Drimnagh, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1265/24
Applicant(s)	Emma, David & Bernadette Dunne
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Emma Dunne
Observer(s)	None
Date of Site Inspection	29/11/2024

Inspector

Catherine Hanly

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1.0 Site Location and Description

- 1.1. The subject site is located at no. 162, which is positioned on the southern side of Brandon Road, at the junction with Comeragh Road. Brandon Road contains two-storey terraced dwellings with in-curtilage parking to the front and private amenity space to the rear. There are double yellow lines outside the side garden of the site at the junction of Brandon Road with Comeragh Road. There is a raised table on Brandon Road to the front of the site.
- 1.2. The site is connected to no. 164 Brandon Road which is a terraced unit to the east. The southern rear and western side boundaries of the site abut no. 124 Comeragh Road.
- 1.3. The subject site consists of an end of terrace dwelling with a hipped roof and a single storey, lean-to extension to the side and front. The dwelling has a small area of private amenity space to the rear, a side garden and 2no. vehicular entrances off Brandon Road with parking for 2no. cars. The entrance to the east is off a speed bump on Brandon Road.
- 1.4. The site contains 2no. sheds, one of which is located in the rear garden abutting the side boundary with no. 164 Brandon Road and one in the side garden abutting the northern side elevation and block boundary wall of no. 124 Comeragh Road. The front boundary treatment of the site consists of a garden estate type railing with a hedge on the inside.
- 1.5. The site area is 0.0217 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of an existing lean-to single storey extension to the front and side
 - Demolition of two lean-to garden sheds to the rear and side
 - Construction of a single storey front extension to existing house to provide additional living accommodation at ground floor
 - Construction of a new pitched roof two storey end of terrace house and all associated site works

- New vehicular access and pedestrian access points from Brandon Road, one additional car parking space and amendments to the boundary fence for provision of private residential open space
- Renovation and alterations to the existing house including roof structure
- All associated site works
- Estimate measurements of the gross floor areas of the development, taking into account the proposed reduction of the ground floor areas as suggest by the First-Party are as follows:

	No. 162 (Existing Dwelling)	Proposed New Dwelling
Existing	103sq.m	
Proposed	77.4sq.m	73.2sq.m

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission issued on the 1st May 2024 for 2no. reasons, as follows:
- 3.1.2. *“1. Having regard to the Z1 zoning objective, which seeks to protect, provide and improve residential amenities, the proposed development would provide inadequate private amenity space for future occupiers, would result in a significantly undersized private rear garden for the existing dwelling on site, and would overall result in the remaining usable private open space being insufficient to meet the needs of a family dwelling. The development would therefore not comply with Section 15.13.3 of the Dublin City Development Plan 2022-2028 or SPPR 2 – Minimum Private Open Space Standards for Houses of the Sustainable and Compact Settlement Guidelines for Planning Authorities (2024), would seriously injure the residential amenities of the existing and future residents and therefore be contrary to the proper planning and sustainable development of the area.*

- 3.1.3. 2. *The proposed development would be contrary to the design standards under Appendix 5 of Dublin City Development Plan 2022-2028, by reason of insufficient front garden depth to provide for on-site parking for the existing and proposed dwellings and the resultant encroachment of a vehicle onto the footpath. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction for pedestrians and would set an undesirable precedent for similar developments on this residential street and within the city.*

3.2. Planning Authority Reports

3.2.1. Planning Report

- The Compact Settlement Guidelines states that a minimum standard of 30sqm for private open space is required for a 2 bed house. The Guidelines also facilitate an option under SPPR2 to provide semi-private open space in lieu of private open space. Table 5.1 indicates that 15sq.m may be provided as semi-private open space subject to at least 50 percent of the area being provided as private open space. The minimum acceptable provision in this case would be 15sq.m.
- The applicant proposes to provide 7sq.m of private amenity space to the rear of the dwelling and 31sq.m of private open space to the front and side. The area of the front is not considered to be private and is more akin to semi-private space. Given that 7sqm of private amenity space equates to just 23% of the overall 30sq.m required and that it would be largely overshadowed, it is considered that this space would not be sufficient to meet the needs of a family dwelling, thereby compromising residential amenity for present and future occupiers.
- The provision of 20.2 sq.m of private open space and the absence of any semi-private open space for the existing property at no. 162 Brandon Road results in a significant shortfall in private open space provision.
- There are concerns about the quality of the private open space at the rear of the proposed dwelling. It will be largely enclosed by two storey development on all sides and will be in constant shadow. It is not considered that the

courtyard for the proposed dwelling would provide future residents with a sufficient level of amenity value. The proposed development would fail to provide a sufficient level of amenity for residents of the existing and proposed dwelling.

- The proposed building line for the existing dwelling and the proposed dwelling is noted to reduce the existing car parking depth to c.4.58m which is substandard and would result in parked vehicles overhanging the public footpath, resulting in a traffic hazard.
- The Transportation Planning Division would prefer the proposed building line to be setback to facilitate in-curtilage parking in order to prevent overspill parking onto adjacent residential streets.
- The Transportation Planning Division suggest setting back the building line for both dwellings to facilitate a car parking area with a minimum depth of 5m as per the Development Plan 2022-2028. This is not considered a viable option as relocating the proposed dwelling would further reduce the already substandard private open space. It is considered that the proposal would result in a traffic hazard and would prejudice the safety of pedestrians.

3.2.2. Other Technical Reports

- Road Planning Division: Recommends Further Information in relation to the submission of revised drawings detailing a building line setback for both dwellings that clearly facilitates a car parking area, perpendicular to the road, of a minimum 5m depth as per the Development Plan 2022-2028.
- Drainage Division: Recommends requesting additional information in relation to how the development and driveways will incorporate Sustainable Drainage Systems in the management of surface water to ensure that there is no increase in surface water run-off from the development to the drainage network as per the Dublin City Development Plan 2022-2028.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Planning history for the site:

- **WEB1869/22.** First-floor side extension to create family ancillary accommodation. 2022 **Grant**. Condition no.3 states that the ancillary family accommodation/ granny flat shall revert back to being part of the family home when the accommodation is no longer needed and that the ancillary family accommodation shall not be divided or subdivided from the existing house.
- **0207/93.** Ground floor extension to the side and front. 1993 Grant.
- **0893/92.** Extension to the side of the house and a porch. 1992 Grant.

4.2. Relevant planning history in the vicinity of the site:

- No. 30 Curlew Road. **ABP-304373-19 and PA Ref. 2251/19.** Demolition of side extension, construction of a new rear extension, subdivision of the site into 2no. sites and construction of a new semi-detached dwelling. 2019 Refusal following First-Party appeal. **Refused** by An Bord Pleanála on the basis of the scale, form and design would constitute overdevelopment of a limited site, would result in inadequate open space, would be visually obtrusive, out of character with the area and would set an undesirable precedent for the development of corner sites in the area.

5.0 Policy Context

5.1. **Dublin City Development Plan 2022 – 2028**

5.2. **Land Use Zoning**

5.2.1. The site is zoned Z1, with the objective '*to protect, provide and improve residential amenities*', in the *Dublin City Development Plan 2022 – 2028* (herein referred to as the *Dublin CDP*).

5.3. **Housing Developments**

5.3.1. Section 15.5.2 of the *Dublin CDP* relates to infill development and states that Dublin City Council will require infill development:

- *“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.*
- *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
- *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
- *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.”*

5.3.2. Section 15.11.1 of the *Dublin CDP* relates to floor areas and states that “*houses shall comply with the principles and standards outlined in Section 5.3: ‘Internal Layout and Space Provision’ contained in the DEHLG ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007)’*”.

5.3.3. Section 15.11.2 of the *Dublin CDP* relates to aspect, daylight/ sunlight and ventilation and states the following:

5.3.4. *“The orientation and layout of house units should maximise the use of natural daylight and sunlight as much as possible. Where feasible, the main habitable rooms (living / kitchen) should have south and/or west facades. Rear private garden should be sufficiently sized and orientated to ensure direct sunlight access is achieved for part of the day on March 21st. Living rooms shall not be lit solely by roof lights. Bedrooms solely lit by roof lights will be considered in certain circumstances on a case by case basis. All habitable rooms must be naturally ventilated and lit.”*

5.3.5. Section 15.11.3 of the *Dublin CDP* relates to private open space and states the following:

5.3.6. *“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.”*

5.3.7. Section 15.13.3 of the *Dublin CDP* relates to infill/ side garden housing developments and states that 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.”*

5.3.8. Section 4.3 in Appendix 16 relates to Sun on Ground and states the following:

“BR 209 makes recommendations for the quantity of sunlight that is appropriate in external amenity spaces. It suggests that for an amenity space to appear reasonably sunlit, at least half the area within amenity spaces should receive two hours sunlight on the 21st of March.”

5.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- 5.4.1. SPPR 2 requires that new 2 bedroom dwellings provide 30sq.m of private open space.
- 5.4.2. SPPR 2 states that *“A further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). The planning authority should be satisfied that the compensatory semi-private open space will provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves”.*
- 5.4.3. SPPR 2 also states that *“for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space. In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity.”*

5.4.4. Table 5.1, titled “*Minimum Private Open Space Standard for Houses*” identifies that for a 2 bed house, the minimum private open space requirement is 30sq.m and the maximum semi-private (in lieu) provision of open space is 15sq.m.

5.4.5. The Guidelines state the following in relation to private open space:

“Private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas. Open spaces may take the form of traditional gardens or patio areas at ground level, and / or well designed and integrated terraces and/or balconies at upper level. The open space must be directly accessible from the unit it serves and a principal area of open space should be directly accessible from a living space.”

5.4.6. The Guidelines state the following in relation to semi-private open space:

“Semi-private open space is distinct from public open space. While there is no requirement to provide semi-private open space for a house, these Guidelines provide an option under SPPR 2 to provide semi-private open space in lieu of private open space as part of a more flexible design approach. Semi-private spaces shall be for the exclusive use of the residents of a housing development and be directly accessible and integrated into the development. They should be secure and usable spaces with a range of suitable landscape features to meet the needs of intended resident.”

5.5. Natural Heritage Designations

5.5.1. The site is positioned approximately 8km to the west of the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC.

5.5.2. The site is located approximately 0.7km to the south of the Grand Canal pNHA (site code 002104) and approximately 3.4km to the south of the Liffey Valley pNHA (site code 000128).

5.6. EIA Screening

5.6.1. See completed Forms 1 and 2 in Appendix 1.

5.6.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development having

regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). I conclude that 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 First-Party appeal has been lodged in this instance. The First-Party requested an Oral Hearing. The Inspector dealing with the file at that time, deemed that an Oral Hearing was not necessary as there was sufficient information on file to assess the proposed development. The Board subsequently determined that an Oral Hearing was not required.

6.1.2. The grounds of the appeal can be summarised as follows:

Open Space

- It is stated that the house at no. 162 Brandon Road was originally designed with a small rear garden due to its corner location. As a corner house, most of the private open space has always been allocated to the side garden.
- It is outlined that the private open space for the new house is proposed to be at the side and follows the rationale of the original design.
- The First-Party states that in order to enhance the side garden, the proposal includes a wooden fence covered with hedges on both sides. The garden will measure 30.5sqm and meets the needs of a two-bedroom dwelling.
- For the existing house it is proposed to remove the shed in the back garden. This will increase the rear garden area from 17.6sqm to 20.2sqm. As a result, the rear garden will increase in size for the existing dwelling. The resulting private open space will be 31sqm with 20.2sqm in the rear garden and 10.8sqm in the front garden (semi-private space).
- The First-Party states that the proposed open space complies with table 5.1 – Minimum Private Open Space Standards for Houses, from the *Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)*.

- An image is included in the appeal which identifies that the existing house has 88.4sqm of private open space which is comprised of the rear garden and the side garden. The image also identifies 46.6sqm of semi-private open space in the front garden of the existing dwelling.
- The appeal includes an extract of table 5.1 - Minimum Private Open Space Standards for Houses, from the *Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)*, which identifies that for a 2bed house, a minimum of 30sqm is required for private open space and a maximum amount of 15sqm of semi-private open space (in lieu) can be provided.
- The appeal identifies that in order to provide a 5m in length dedicated car parking space to the front of the dwelling, the footprint of the proposed extension to the front of the existing dwelling and the proposed additional dwelling has been set back.
- The appellant has included a table which sets out that it is proposed to provide the following open space provision:

House	Private Open Space	Semi-Private (in lieu)
162 A (existing house)	20.2 (+10.8) sq.m	10.8sq.m
162 B (proposed house)	37.7 (+13.2) sq.m	13.2sq.m

- The First-Party states that the total private open space is more than five times larger than the modern standard to provide land for growing vegetables in the past for when the houses were disconnected from the city. This extra garden space is no longer required.
- It is stated that the proposal aims to provide a high-quality architectural response to the site. The proposal respects and integrates the architectural value of the existing buildings and urban landscape by matching their geometry, ridge and alignment with the existing terrace.

Parking

- It is proposed to set back the new dwelling by 420 mm. As a result, the open living area in the proposed dwelling will measure 33.2 sq.m. This is in compliance with the required minimum floor areas and standards of the Design Manual for Quality Housing, which states the minimum aggregate floor area of the living/ dining/ kitchen area is 28 sq.m.
- It is proposed to set back the extension on the existing house by 420 mm. This will result in a front extension of 6 sq.m added to the original building's living room.
- As the 5m length designated car parking area can be achieved by setting back the front elevation 420mm without compromising the minimum required areas, this should be included as a condition of planning permission rather than a reason for its refusal.

Justification for the Proposed Development

- The First-Party states that the proposed development utilises underused space.
- It is outlined how the development contributes to the housing supply.
- The proposed development is infill development and as such promotes sustainable urban growth thereby minimizing environmental impact.
- It is considered by the First-Party that the development will enhance the existing community and encourage economic vitality.
- It is stated that building on a side garden site aligns with Dublin City Council's planning policies.
- Well-designed new homes can enhance the aesthetic appeal and overall value of the neighbourhood. The proposed development hopes to set a positive precedent for corner developments and exterior fences.
- The appellant is deeply rooted in the area and wishes to remain living in the area.
- The appellant has included a letter of support from her parents who wish for her to build a family home beside their own home.

- The appellant has submitted a letter outlining that the existing and proposed dwelling will incorporate the side and front garden into the private open space provision.
- Many of the new developments in the area are build to rent and will not be available for new residents to buy.
- A QR code is included which is stated to provide access to a 3D walk-through of the proposal prepared for the appeal.
- The appellant has attached an updated Design Statement with extracted rendered images.
- The appellant has included a letter of support from Daithí de Róiste who is a Councillor in Ballyfermot and Drimnagh and the Lord Mayor of Dublin. The letter outlines that the development aligns with modern architectural standards and urban planning principles and has been carefully crafted to integrate with the character of the neighbourhood. The letter further states that a similar development was previously approved in the vicinity which demonstrates a precedent for such projects in the area. The precedent should play a significant role in reconsidering the current application as it underscores the acceptability of the project within the local context. The letter further outlines how the development will help to alleviate the housing crises.

6.2. Revised Proposal

- 6.2.1. In the grounds of appeal, the First-Party has included extracts of drawings which identify alterations in order to address one of the reason's for refusal set out in the Notification of Decision by Dublin City Council's in relation to parking. The drawing identifies a proposed reduction in the ground floor extension to the front of the existing dwelling and the proposed dwelling by 420 mm. The drawing demonstrates that the proposed reduction in the footprint of the dwellings would enable the provision of car parking spaces measuring 5m in length for the existing dwelling and the new dwelling. An extract of the ground floor plan drawing is also included which the applicant states would provide an open plan living area measuring 33.2 sq.m.

6.2.2. In relation to the reason for refusal regarding the open space provision, the applicant has included an extract of a drawing in the appeal which identifies the provision of 10.8 sq.m of semi-private open space in the front garden of the existing dwelling and 13.2 sq.m of semi-private open space in the front garden of the proposed dwelling. Both these areas of semi-private open space are in line with the footpath entrances from Brandon Road leading to the front doors of the dwellings.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority's response to the grounds of appeal can be summarised as follows:

- An Bord Pleanála is requested to uphold the decision of the Planning Authority to refuse permission.
- It is requested that if permission is granted, that a condition requiring the payment of a Section 48 development contribution is included.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design
- Open Space
- Parking
- Drainage

7.2. Each of these issues are addressed in turn below.

7.3. **Principle of Development**

7.3.1. The application site is zoned "Z1", Sustainable Residential Neighbourhoods, which has the objective "*to protect, provide and improve residential amenities*", in the

Dublin CDP. Residential development is a permissible use under this zoning objective.

- 7.3.2. Generally, the principle of reducing the size of the existing dwelling and constructing a new dwelling is acceptable under the zoning objective of the site. However, the configuration of the site is not standard. As such, there are a number of other considerations which must be examined and these are addressed below.

7.4. Design

- 7.4.1. The development proposes to demolish the existing ground floor extension at the side of the dwelling. It is also proposed to demolish 2no. sheds. I have no concerns regarding the proposed demolition.
- 7.4.2. The application proposes to construct a ground floor extension to the front of the existing dwelling. I note in the grounds of appeal that the appellant proposes to reduce the depth of the ground floor extension on the existing dwelling by 420mm in order to provide an increased depth for the parking space. Noting the proposed roof design, height and positioning along the boundary with no. 164 Brandon Road, I consider that the proposed ground floor front extension on the existing dwelling is acceptable and will not impact the residential amenities of adjacent properties.
- 7.4.3. I note that there are a number of porch extensions along Brandon Road in varying styles. As such, I consider that the ground floor front extension will be in keeping with the existing dwelling and will integrate successfully with the character of the area and the streetscape. However, I note that the drawings do not state the proposed materials on the extension. I therefore recommend that should the Board consider granting planning permission, that a condition is included requiring the materials to be agreed with the Planning Authority.
- 7.4.4. As mentioned above, the application proposes to construct a 2no. storey, 2 bedroom dwelling adjoining no. 162 Brandon Road and no. 124 Comeragh Road. The appellant proposes to reduce the depth of the ground floor in the proposed dwelling by 420mm in order to provide an increased depth for the parking space. The appellant states that this would result in the open living area measuring 33.2sq.m. This is noted to comply with the minimum requirement of 28sq.m as set out in *Quality Housing for Sustainable Communities* (2007) for a 2bed 3 person two storey

dwelling. Having regard to the submitted drawings, I therefore consider that the proposed room sizes accord with the standards set out in *Quality Housing for Sustainable Communities*. Should the Board consider granting planning permission, it is recommended that revised drawings are submitted to the Planning Authority identifying the 420mm setback at ground floor.

- 7.4.5. The First-Party has included a QR code in the documentation which is stated to provide access to a 3D walk-through of the proposal prepared for the appeal. I note section 127 of the Planning and Development Act (as amended) which states that an appeal shall be made in writing. As such, I have not viewed the 3D walk-through of the development and it has not formed part of my assessment.
- 7.4.6. Section 15.13.3. of the *Dublin CDP* sets out the criteria for assessing development on corner sites. I note that the building line of the first-floor on the proposed dwelling maintains the original building line of Brandon Road. I also note that the proposed ridge line of the roof is in keeping with the ridge line of no. 162 Brandon Road. I consider both design measures to be positive contributions to the streetscape.
- 7.4.7. From my site inspection, I note that the character of the area is defined by rows of terraced dwellings. Corner plots are prevalent within the wider Drimnagh area and are mostly undeveloped, except for single storey extensions and some two-storey extensions. The Dublin City Council Planner's Report states that the corner plots contribute to the visual amenity of the area by providing a visual break between the terraces that sit perpendicular to each other at the road junctions. The Planner's Report further states that they had serious concerns in relation to the impact of the development on the local character as the proposed development would appear to conjoin the existing terrace along Brandon Road with the terrace onto Comeragh Road, thereby masking the distinction between the two separate terraces.
- 7.4.8. I note the appellant's grounds of appeal and justification for the development, in that it utilises underused space, promotes sustainable development and contributes to housing supply. The letter of support from Daithí de Róiste is also noted which states that a similar development was previously approved in the vicinity which demonstrates a precedent for such projects in the area. However, I have found no similar developments permitted in the immediate area of the site which conjoin two separate terraces. With regards to the planning history on the site under reference

number WEB1869/22, I note that this permission is for ancillary family accommodation and did not conjoin two separate terraces.

- 7.4.9. Following my site inspection, I concur with the comments of the Dublin City Council Planner's Report about the importance of corner plots in providing a visual break between the terraces and contributing to the character of the area. As such, I consider that the design of the proposed dwelling which conjoins Brandon Road to Comeragh Road, negatively impacts the visual amenities and character of the area. Furthermore, I consider that the positioning of the dwelling on the side elevation of no.124 would negatively impact the residential amenities of no. 124 by way of overbearing when viewed from the front garden of no. 124. I note the appellants justification for the development, in that they are deeply rooted in the community and hope to develop an underused space. Development on this corner plot will invariably set a precedent for the wider area, given that none of the corner plots have been developed in a manner as currently proposed. However, development cannot occur at the expense of residential or visual amenity, which as a result would set a precedent of substandard development.
- 7.4.10. The appellant outlines that the development promotes sustainable urban growth through the provision of an infill development. I note the Z1 zoning objective on the site which seeks to '*to protect, provide and improve residential amenities*'. Having regard to the 1.2m gap between the existing dwelling and no. 124 Comeragh Road I would have concerns regarding the sense of overbearing created by the existing dwellings on the rear façade and private amenity space of the proposed dwelling.
- 7.4.11. The development proposes to remove the existing side boundary treatment which consists of a 1m high railing at the junction of Brandon Road and Comeragh Road. It is proposed to replace it with 1.5m high timber fence with hedges on both sides. I note boundary treatments in the vicinity of the site largely consists of low-level walls, railings and hedges. I therefore consider that a timber fence would not be in keeping with the character of the area. Should the Board consider granting planning permission, I recommend that the boundary treatment is addressed by way of condition.
- 7.4.12. To conclude, I consider that the proposed development fails to accord with Section 15.5.2 of the *Dublin CDP* in relation to infill development as the development fails to

respond to the existing context and character. I concur with the Dublin City Council Planner's Report which describes the site as a relatively small garden associated with a dwelling and its single storey extension. I consider that there may be opportunities to develop the side garden of the site, subject to an appropriate design. However, the development as currently proposed constitutes overdevelopment of the site, which would negatively impact the character of the area and set a negative precedent for future development in the area.

7.5. Open Space

- 7.5.1. As noted above, the first reason for refusal in the Notification of Decision by Dublin City Council was in relation to inadequate private open space provision.
- 7.5.2. I note the requirements for the provision of open space in accordance with *The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities* (hereinafter referred to as the *Compact Settlements Guidelines*), which are outlined above in section 5.4. As such, the minimum amount of private open space that can be provided for the proposed dwelling is 15sq.m. in addition to 15sq.m of high quality semi-private open space.
- 7.5.3. Regard is had to the Dublin City Council's Planner's Report which states that the provision of 7sq.m of private amenity space to the rear of the proposed additional dwelling, equates to just over 23% of the overall 30sq.m required. The report further states that given that the private amenity space would largely overshadowed, it is not considered sufficient to meet the needs of a family dwelling.
- 7.5.4. The Dublin City Council Planner's Report further noted that the resultant provision of 20.2sq.m of private open space and the absence of any semi-private open space for the existing dwelling also results in a significant shortfall of private open space provision.
- 7.5.5. As noted above in the grounds of appeal under section 6.1.1, the appellant states that the existing dwelling will be served by 20.2sq.m of private open space to the rear and 10.8sq.m of semi-private open space in the front garden. I note that the area identified as semi-private open space is located between the pedestrian gate from the Brandon Road and the front door to the existing dwelling and is essentially part of the driveway. I therefore do not consider this to be of high quality and sufficient to be described as semi-private open space. The existing dwelling is

therefore served by 20.2sqm of private open space to the rear. I note that the requirements of SPPR2 are in relation to new dwellings. As such, regard is also had to section 15.11.3 of the *Dublin CDP* which has a requirement of 30sq.m for the existing dwelling. As the existing dwelling is only provided with 20.2sq.m of private open space to the rear, I consider that there is a significant shortfall in private open space provision. The appellant contends that the subject site was originally designed as a corner site with most of the private open space on the side. However, as a new dwelling is now proposed on the corner site, it thereby eliminates the open space in the side garden for the existing dwelling. As such, I consider that the existing dwelling would have a serious shortfall in open space provision.

7.5.6. The appellant has outlined that the new dwelling will be served by 7sq.m of private open space to the rear, 30.5sq.m of private open space to the side and front and 13.2sq.m of semi-private open space to the front of the house. I note the semi-private open space consists of the pathway in the driveway leading from Brandon Road to the front door. I therefore do not consider that it is of sufficient quality to constitute semi-private open space. Furthermore, I consider that private open space to the side and front of the dwelling is not private and is more akin to semi-private space. Given that the 7 sq.m of private open space to the rear represents 23% of the overall 30sq.m required, it is therefore below the 50% threshold required as private open space by SPPR2. In addition, noting that the private rear amenity space would be largely overshadowed, I consider that the open space provision does not provide a high standard of external amenity space and fails to accord with SPPR2 in the Compact Settlement Guidelines.

7.5.7. In addition to my concerns outlined above regarding the quantity of the open space, I also raise concerns regarding the quality of the open space. In particular, I note that the private open space proposed for the additional dwelling is mostly surrounded by two storey dwellings. I note section 4.3 of the *Dublin CDP* which states that in order for amenity spaces to appear reasonably sunlit, at least half of the area should receive two hours of sunlight on the 21st March. In this instance, the appellant submitted a Shadow Analysis 3D Model to Dublin City Council. The Analysis identifies that the private amenity space proposed for the additional dwelling will mostly be in shadow on the 1st June between 9 and 6pm and again on the 1st December between 9 and 5pm. I therefore consider that the quality of the private

open space to the rear for the additional dwelling to be exceptionally poor. I have no concerns regarding the quality of the private amenity space for the existing dwelling. As stated above, I do not consider the amenity space in the driveways to be of a sufficient quality to constitute semi-private open space.

- 7.5.8. To conclude, I consider that the proposed development fails to provide a sufficient level of amenity space for residents of the existing and proposed dwelling. Whilst I accept that the site is within a 5 minute walk of Errigal Field, noting the poor quality of the private amenity space to the rear of the proposed dwelling, I do not consider that it would be appropriate to relax the private open space standards as allowed by SPPR2. The development therefore fails to accord with SPPR2 in the *Compact Settlement Guidelines*. Given that the development fails to provide a sufficient level of amenity space for both the existing and proposed dwelling, I consider that it is a clear indication that the development constitutes overdevelopment of the site and should be refused.

7.6. Parking

- 7.6.1. As set out above, a Notification of Decision to refuse permission was issued by Dublin City Council for 2no. reasons. The second reason related to the failure of the development to provide parking in accordance with the design standards under Appendix 5 of the *Dublin CDP*. The reason states that due to insufficient front garden depth, parked cars would encroach onto the footpath. As such, the development would endanger public safety by reason of a traffic hazard, create an obstruction for pedestrians and would set an undesirable precedent.
- 7.6.2. Regard is had to the report from the Road Planning Division in Dublin City Council which notes that the proposed widths of the driveways for the existing and proposed dwelling are acceptable and in accordance with development plan standards. However, the report raises concern regarding the depth of the parking areas proposed at 4.58m which would result in parked cars overhanging the public footpath. The Road Planning Division recommended that the applicant was requested by way of Further Information to submit revised drawings identifying a minimum 5m depth for the parking areas by setting back the building lines.
- 7.6.3. In the grounds of appeal, the appellant has included a drawing extract which identifies a setback of the front elevation of the ground floor extension on the existing

dwelling and the ground floor of the proposed dwelling by 420 mm. The proposed set back creates 2no. driveways that are 5m in length. As such, I consider that the appellant has addressed the reason for refusal in relation to car parking and that parked cars will no longer overhang the public footpath. Furthermore, I note that the driveways measure 3m in width for the existing dwelling and 2.5m in width for the proposed dwelling and that 1no. parking space is proposed for each dwelling. As such, I consider that the vehicle entrance widths and quantity of parking spaces accord with the *Dublin CDP*.

- 7.6.4. In conclusion, I consider that the proposed parking arrangement is acceptable, would not create a traffic hazard, is in accordance with the design standards under Appendix 5 of the *Dublin CDP* and would not set an undesirable precedent for future development in the area. As such, I consider that the appellant has addressed the second reason for refusal within the Dublin City Council's Notification of Decision to refuse permission. As noted above, the appellant has included extracts of drawings identifying the proposed alterations to the parking spaces. Notwithstanding my concerns set out above, should the Board grant planning permission, I recommend that this is addressed by way of condition. I recommend that a condition is included requiring the submission of drawings which identify that the building line of the extension on the existing building and the ground floor of the proposed dwelling is set back by 420mm in order to provide a parking space 5m in length.

7.7. Drainage

- 7.7.1. I note the report from the Drainage Planning, Policy and Development Control Section in Dublin City Council which recommended seeking additional information. The report considered that insufficient information was submitted regarding the management of surface water. The report recommended requesting that revised drawings be submitted which ensure that the development incorporates Sustainable Drainage Systems in the management of surface water to ensure that there is no increase in surface water run-off from the development. Should the Board consider granting planning permission, I recommend that this addressed by way of condition.

8.0 AA Screening

- 8.1. Having regard to the development proposed, being the demolition of a single storey extension and the construction of a ground floor extension and a new dwelling in a serviced urban area, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission is refused in this instance. I note that reason no. 1 is a new issue in terms of the appeal. The Board may wish to issue a s.137 notice in relation to this.

10.0 Reasons and Considerations

- 10.1. (1) Having regard to the established pattern of development in the surrounding neighbourhood, the character of the area which is defined by rows of terraced dwellings and the configuration and restricted nature of the site's prominent location on a corner site, the Board considers that the proposed development would conjoin the terraces, therefore masking the distinction between the two separate terraces and removing the visual break. As such, the development would negatively impact the character of the area and would contravene section 15.5.2 of the *Dublin City Development Plan 2022 – 2028*.
- 10.2. (2) The proposed development by reason of its design and scale would constitute overdevelopment of a limited site area and would result in inadequate open space provision for the residents of the existing and proposed dwelling. The development therefore fails to accord with SPPR2 in the *Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities* and Section 15.11.3 of the *Dublin City Development Plan 2022 - 2028*. The Board therefore considers that the proposed development would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Catherine Hanly
Planning Inspector

6th December 2024

EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319818-24				
Proposed Development Summary	<p>The proposed development comprises the following:</p> <ul style="list-style-type: none"> • Demolition of an existing lean-to single storey extension to the front and side • Demolition of two lean-to garden sheds to the rear and side • Construction of a single storey front extension to existing house to provide additional living accommodation at ground floor • Construction of a new pitched roof two storey end of terrace house and all associated site works • New vehicular access and pedestrian access points from Brandon Road, one additional car parking space and amendments to the boundary fence for provision of private residential open space • Renovation and alterations to the existing house including roof structure • All associated site works 				
Development Address	162 Brandon Road, Drimnagh, Dublin 12				
			<table border="1"> <tr> <td>Yes</td> <td>X</td> </tr> </table>	Yes	X
Yes	X				

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	X	Class 10 (b) (i) of Part2: threshold 500 dwelling units	EIA Mandatory	EIAR required
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	The development consists of the construction of 1no. additional dwelling.		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector:

Date:

12.0 Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319818-24
Proposed Development Summary	<p>The proposed development comprises the following:</p> <ul style="list-style-type: none"> • Demolition of an existing lean-to single storey extension to the front and side • Demolition of two lean-to garden sheds to the rear and side • Construction of a single storey front extension to existing house to provide additional living accommodation at ground floor • Construction of a new pitched roof two storey end of terrace house and all associated site works • New vehicular access and pedestrian access points from Brandon Road, one additional car parking space and amendments to the boundary fence for provision of private residential open space • Renovation and alterations to the existing house including roof structure • All associated site works
Development Address	162 Brandon Road, Drimnagh, Dublin 12
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size</p>	

or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises the demolition of a portion of an existing dwelling and the construction of an additional dwelling in the side garden. The proposed development would not be exceptional in the context of the existing environment.</p> <p>During the demolition and construction phases, the proposed development would generate waste during excavation and construction. However, given the moderate size of the proposed house and the portion of the existing house to be demolished, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed use.</p>	No

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development consists of 1no. additional dwelling and the reduction in size of the parent dwelling and are not considered exceptional in the context of neighbouring houses.</p> <p>Owing to the serviced urban nature of the site and the infill character of the scheme, I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>	<p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The application site is not located in or immediately adjacent to any European site.</p> <p>The closest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC which is approximately 8km to the west of the site.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p>		

EIA is not required.

Inspector:

Date: