



An
Bord
Pleanála

Inspector's Report

ABP-320287-24

Development	Construction of 1.5 storey house in rear garden, boundary walls, railings, gates and all associated works.
Location	10 Springdale Road, Raheny, Dublin 5
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3042/24
Applicant(s)	Stephanie Molloy and Brian Capper
Type of Application	Planning permission
Planning Authority Decision	Grant permission subject to 11 conditions
Type of Appeal	First Party appeal against condition 3
Appellant(s)	Stephanie Molloy and Brian Capper
Observer(s)	Vanessa Byrne
Date of Site Inspection	24 th September 2024
Inspector	Sarah O'Mahony

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Further Information	4
3.2. Decision	4
3.3. Planning Authority Reports	5
3.4. Prescribed Bodies	6
3.5. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
5.1. Development Plan	7
5.3. Natural Heritage Designations	7
5.4. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
6.3. Observations	9
7.0 Assessment	9
8.0 AA Screening	12
9.0 Recommendation	12
10.0 Reasons and Considerations	12
11.0 Conditions	13
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The 735m² site is situated on Springdale Road in Raheny, northeast of Dublin city centre and Dublin port, 95m west of the R809 regional road and 175m north of the railway line. The Santry River is situated 250m to the southwest. The immediate area is mainly residential with all adjacent land in residential use. There is however also a school and hospital situated within 150m to the southwest.
- 1.2. There is a detached 150m² dormer dwelling on the site which is situated in a row of facing Springdale Road to the south. The majority of housing in the area is two storey however there are some single and dormer dwellings on the adjacent plots to the east.
- 1.3. Access is from Springdale Road to the South. Boundaries comprise blockwork walls on both sides and the external area is finished with concrete hardstanding throughout.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Subdivision of the site
 - Construction of a 1.5 storey, detached, 136.8m² dormer dwelling to the rear of the existing dwelling. The proposed design comprises one 1.5 storey pitched roof central element orientated east west across the site, together with single storey projections to the north and south in an overall 'Z' shape.
 - New boundary walls, railings and gates to separate the sites,
 - A shared car parking arrangement to the front of the existing dwelling with pedestrian access only provided to the new dwelling, and
 - Connection to public services.

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. Further information (FI) was sought to:

- Reduce the scale of the dwelling with increased separation distances from the adjoining properties and to decrease the height,
- Submit proposals for soft landscaping at the front of the site,
- Reduce the width of the existing vehicular entrance and associated dished kerb,
- Submit a drawing with demarcated parking spaces,
- Submit and clarify surface water management proposals.

3.1.2. The FI Response included the following:

- A revised dwelling design with a reduction in height of the southern wing only but no changes to the layout and separation distances etc,
- A reduced vehicular entrance width and new grass verges to reduce the width of the dished kerb,
- Two layout options for carparking and landscaping,
- A revised surface water strategy including additional soakways and rain planters to cater for both dwellings.

3.2. Decision

3.2.1. A notification of decision to GRANT planning permission was issued by Dublin City Council (the Planning Authority) on 04th July 2024 subject to 11 conditions including no. 3 which is appealed by the Applicant:

“3. Prior to commencement of development on site the applicant shall submit revised drawings for the written agreement of the planning authority which show the following:

a) The first floor of the house omitted in its entirety and the roof height of the single story central element at a maximum height of 4.8m.

- b) The entire roof of the infill house shall be hipped.*
 - c) No increase in height of the rear of the roof shall be permitted unless authorised by a further grant of permission.*
 - d) Ground floor plans of the dwelling incorporating amendments a-c above*
- Reason: To protect the existing residential amenity and ensure no undue negative impacts in terms of overbearing."*

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to grant retention permission is consistent with the notification of decision which issued however I note that the Case Planner considered the majority of the design acceptable and only requested a reduction in height of the southern single storey wing in order to reduce the bulk and massing of the design. A note is provided from the Senior Planner noting this conclusion but adding commentary which considered the design to be inappropriate as it would impact the residential amenity of the adjoining properties at nos 8 and 12 Springdale Road, to the west and east of the site respectively by manner of being overbearing due to proximity and height. A revised further information request was issued which requested a scaled back dwelling design with a decreased height and increased separation distances. The request advised that a single storey dwelling may be considered acceptable subject to protection of residential amenity.
- The further information request also requested access and surface water matters. The response was deemed acceptable for those technical items however the revised dwelling design only reduced the height of the southern single storey wing. The Case Planner outlined a residual concern surrounding the overall height and scale of the central 1.5 storey element and therefore recommended condition no. 3 to omit that floor.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Engineering Department - Drainage Division: Further information requested regarding the management of surface water. A second report was received following receipt of the FI Response stating no objection subject to conditions.
- Transport Planning Division – Further information recommended requesting a reduction in width of the existing entrance and a revised public pathway with a dropped kerb only serving the revised entrance. A parking layout was also requested. A second report was received following receipt of the FI Response stating no objection subject to conditions.

3.4. **Prescribed Bodies**

No response received.

3.5. **Third Party Observations**

Two submissions were received to the proposed development from the adjoining landowners to the east and west of the site. Both acknowledge the principle of development but raise concerns about the following:

- Overlooking and associated impacts to privacy and residential amenity.
- Excessive floor to ceiling heights contribute to an excessive mass.
- Excessive total roof height which is taller than the existing dwelling on the site and reflects a two-storey design.
- There are variations in the proposed roof height which should be lowered to 3.810m.
- Rooflights on the east roof slope over the dining and lounge areas are unnecessary due to the extent of other fenestration proposed.
- The design permits additional future development of the attic space which is inappropriate and unsustainable. The design should be altered to prevent this unwarranted future development.

4.0 **Planning History**

The following relates to the subject site:

- DCC Reg. Ref. 5574/04: Permission refused to demolish existing 1.5 storey dwelling and construct No 9 X 2 Bed Apartments in a 2 storey and mansard attic roof block with 3 balconettes at attic level front and 2 full building width balconies at 1st and attic floor rear and 1 spiral staircase at rear and front car parking for 6 cars, bicycles and associated bin stores and site works.
- DCC Reg. Ref 2976/17: Planning permission granted to demolish the existing semi-derelict wholesale warehouse unit on the site and for the construction of 2, semi-detached, 2 storey plus attic, 4 bedroom houses, (Area: 166m² each) with parking for 2 cars for each house.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 hereafter referred to as the Development Plan. The site is zoned Z1 for Sustainable Residential Neighbourhoods where the objective is to protect, provide and improve residential amenities.
- 5.1.2. Chapter 15 provides development standards and Section 15.13.4 refers to backland housing, the text of which is attached with this report.

5.2. Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities

- 5.2.1. The guidelines provide high level guidance for new residential development and sets out Strategic Planning Policy Requirements (SPPRs) including SPPR 1 which refers to separation distances and requires a general minimum of 16m to be provided.

5.3. Natural Heritage Designations

- 5.3.1. The site is situated 1.3km northwest of North Bull Island Special Protection Area and North Dublin Bay Special Area of Conservation and proposed Natural Heritage Area.

5.4. EIA Screening

- 5.4.1. See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The dwelling is designed to ameliorate impacts to adjoining property and had regard to commentary in the Planners Report as well as the further information request to amend the design.
- Proposal complies with the zoning and the proper planning and sustainable development of the area including section 15.13.4 of the Dublin City Development Plan 2022-2028 regarding backland development.
- It represents an efficient and sustainable use of centrally located and serviced lands, provides a high quality of residential accommodation and responds to the backland nature of the site.
- It provides a high quality and appropriately scaled dwelling meeting all residential standards required by the Dublin City Development Plan 2022-2028 and the Quality housing for Sustainable Communities – Guidelines for Planning Authorities (2007). It also meets the vision, mission and objectives of a list of national policy documents including the National Planning Framework and Housing for All.
- The Applicant suggests that the landing window, which is the only south facing window at first floor level, could be opaque if deemed necessary.
- The appeal lists similar developments nearby which the Applicants consider set a precedence.
- A letter of support is included from the parent of one of the Applicants who resides in the dwelling to the front of the site.

6.2. Planning Authority Response

- The Local Authority response requested that the decision is upheld and in the event permission is granted, then conditions are attached requiring a Section 48 financial contribution and a naming and numbering scheme.

6.3. Observations

One observation is received objecting to the proposed development on the following grounds:

- The height and massing of the proposed structure contravenes current and best planning practice. A back garden development should not be bigger than the original main house on the site. The observation includes a request to refuse permission for a 1.5 storey dwelling and to seek a revised planning application in keeping with the recommended single storey design.

7.0 Assessment

- 7.1. This appeal relates solely to the imposition of Condition no. 3 which the Local Authority considered necessary to protect the residential amenity of adjoining dwellings nos. 8 and 12 Springdale Road to the west and east of the site respectively. The Occupants of no. 12 made an observation to the appeal requesting permission to be refused and submission of a new single storey design.
- 7.2. Condition no. 3 requires the Applicant to omit the first floor entirely and reduce the total height of the central element of the dwelling to no higher than 4.8m.
- 7.3. I am satisfied that the principle of the overall development is acceptable and in accordance with the proper planning and sustainable development of the area having regard to the Z1 zoning on the site. The proposed dwelling design provides adequate internal and external residential amenity and meets standards in terms of private open space, storage, room widths, bin storage and car parking etc. I am therefore limiting this assessment to only the matters raised in the appeal which relate to the proposed upper storey and height of the proposed dwelling, and how these aspects would affect the residential amenity of the proposed dwelling as well as adjoining residential properties.

- 7.4. As described previously, the dwelling is laid out in a Z shape with a central 1.5 storey element reaching a total height of 7.36m. This central block would have one first floor window positioned on the southern elevation serving a landing which, as the Applicant has suggested in their appeal, could be finished with opaque glazing and therefore would not afford any overlooking opportunities. Two dormer windows are proposed on the north elevation serving a bedroom and nursery. These windows would be over 10m from the property boundary and over 29m to the opposing first floor windows at Edenmore Crescent to the rear which exceeds the minimum recommended separation distances set out in both the Development Plan and the Compact Settlement Guidelines. In this regard I am satisfied that no undue overlooking would occur from the upper floor of the proposed dwelling to adjoining properties.
- 7.5. The remaining concern relates to the 7.336m height of the central element of the dwelling and the proximity of this height to property boundaries and adjoining dwellings nos. 8 and 12 Springfield Road. The Local Authority considers the design would be overbearing due to proximity and height.
- 7.6. The dwelling would be 0.68m taller than the existing dwelling on the site, 1.3m taller than no. 8 Springdale Road and 1.3m lower than no. 12 Springdale Road. The tall central element would have gables at the east and west setback 1.2m from both boundaries to those adjoining properties but also set back 22m from the rear elevations of both adjoining dwellings.
- 7.7. I consider this separation is sufficient to mitigate against any overbearance from the new dwelling. I also consider that the pitched roof design tapering to a narrow point contributes to the lack of any blocking effect both in terms of massing but also blocking visible sky or sunlight.
- 7.8. The single storey wing to the south also helps to break up the bulk and massing of the southern elevation. I note a revision to the design during the further information process reduced the height of this single storey wing from 6.1m to 4.8m and I consider this to be an appropriate design change which should be retained as the original height of this wing was excessive as per the Local Authority Case Planner's recommendation.

7.9. The observation received to the appeal from a resident of Springdale Road considers the 1.5 storey design is inappropriate and at odds with best planning practice. It submits that a backland dwelling should not be larger than the existing dwelling.

7.10. In this regard I note the provisions of Section 15.13.4 of the Development Plan regarding backland development and specifically the following:

“Applications for backland housing should consider the following:

- *The scale, form and massing of the existing properties and interrelationship with the proposed backland development.*

....

- *A proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.*
- *A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity”*

7.11. I consider that the development complies with the requirements of the Development Plan as the layout of the dwelling with a centrally positioned 1.5 storey element provides for appropriate separation distances from opposing windows above ground level.

7.12. In conclusion, I consider that the 1.5 storey design and full 7.36m height is acceptable for the site, subject to provision of opaque glazing on the first floor window on the southern elevation and also subject to the revised design of the southern single storey wing with a maximum height of 4.8m. I consider that the dwelling would not negatively impact the residential amenity of adjoining properties by way of overbearing visual impact or an overtly dominant presence in close proximity to adjoining properties.

7.13. I also consider that including the upper floor and providing the additional two bedrooms would improve the residential amenity of the occupants of that dwelling without impacting on adjoining residential amenity.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The site is not situated within or adjacent to any European Site. The subject site is located 1.3km northwest of North Bull Island Special Protection Area and North Dublin Bay Special Area of Conservation.
- 8.1.3. The proposed development is set out previously in this report in more detail but in summary comprises construction of a 1.5 storey, detached, 286.8m² dormer dwelling to the rear of the existing dwelling with onsite SuDS, alterations to the vehicular entrance and connection to public services.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- 8.1.5. The small scale and domestic nature of the proposed development in a serviced urban area, distance from European sites and urban nature of intervening habitats, absence of ecological pathways to any European sites
- 8.1.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. Based on the following reasons and considerations, I recommend that Condition no. 3 is REMOVED and a new Condition 3 is INCLUDED as follows.

10.0 Reasons and Considerations

Having regard to the residential land use zoning for the site, and to the pattern of development in the area, it is considered that the proposed detached dwelling, by reason of its location, scale, nature and design, its location with respect to adjoining properties and the orientation and aspect of those existing properties, would not seriously injure the amenities of the area or of property in the vicinity by reason of

overbearance or negative visual impact. The planning authority's Condition 3 requiring a reduction in the height of the extension, therefore, not warranted and a new Condition 3 is included.

11.0 Conditions

3.	Opaque glazing shall be fitted to the first floor window on the southern elevation serving the proposed landing. Reason: In the interest of residential amenity.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah O'Mahony
Planning Inspector

30th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320287-24		
Proposed Development Summary	Construction of 1.5 storey house in rear garden, boundary walls, railings, gates and all associated works.		
Development Address	10 Springdale Road, Raheny, Dublin 5.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	Class 10 (b)(i) Construction of more than 500 dwelling units. Class 10 (b)(iv) Urban development which would involve	Subthreshold development of construction of 1 dwelling. Proceed to Q.4

		an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Subthreshold development of 0.07 hectares of urban development.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		

Form 2

EIA Preliminary Examination

<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 or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	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 development comprises 1 residential unit in residential area so is not exceptional in the context of the existing environment.</p> <p>A short-term construction phase and permanent operational phase will generate different waste streams, emissions and pollutants but none are considered significant due to the limited scale of the proposal.</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 dwelling would be 1.5 stories which is not exceptional in the context of the existing environment where there is a mix of single and two storey buildings. The height and width is also similar to surrounding dwellings.</p> <p>I am not aware of any other plans or projects in the area which would lead to significant cumulative impacts when considered in tandem with the proposed development.</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>No.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: 30th October 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)