



An
Bord
Pleanála

Inspector's Report ABP-320984-24

Development	Permission for development at this site rear of 62 & 62A Glasnevin Avenue, Glasnevin, Dublin 11. The development will consist of a proposed detached dormer bungalow with vehicular entrance onto Willow Park Avenue and all associated site works		
Location	Site at rear of 62 and 62A Glasnevin Avenue, Glasnevin, Dublin 11		
Planning Authority Ref.	4025/24		
Applicant(s)	William Salinger		
Type of Application	Permission	PA Decision	Refusal
Type of Appeal	First	Appellant	William Salinger
Observer(s)	Anthony and Caroline McGinness Thomas and Sandra Devlin		

Date of Site Inspection	20/12/2024	Inspector	Killian Harrington
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1. Site Location/ and Description.

The site consists of disused grounds at the rear of properties 62 and 62A Glasnevin Avenue in an established residential area between Glasnevin and Ballymun to the west of R108 Ballymun Road. The site is a gap between properties at a corner of Glasnevin Avenue and Willow Park Avenue. Similar sites in the area have been developed for residential use. Both Glasnevin Avenue and Willow Park Avenue consist of large semi-detached dwellings with garages, which is the typical style for this suburban area.

2. Proposed development.

The proposed development will consist of a proposed detached dormer bungalow with vehicular entrance onto Willow Park Avenue and all associated site works. The proposed dwelling consists of 130 sqm floor area comprising a living room, kitchen and dining room and a bedroom at ground floor level and 2 no. bedrooms and 1 no. bathroom at first floor level with 2 no. dormer windows proposed on the front facing roof plane. Bicycle storage and car parking is provided within the curtilage of the site. The proposed private open space amounts to 73 sqm in area and consists of narrow strips of garden. The site is accessed via Willow Park Avenue.

3. PA's Decision

Refusal for the following reason:

Having regard to the Z1 residential zoning, as set out in Dublin City Development Plan 2022- 2028 for the area, to the form, scale, bulk and design of the proposed development and its proximity to existing residential development, it is considered that the proposed development would have an excessively overbearing impact on the existing residential development and would provide a low level of residential amenity for future residents in terms of the quality of private open space. The proposed development would therefore likely seriously injure the residential amenities of adjoining properties, provide a poor level of residential amenity for future occupants and would therefore be contrary to the proper planning and sustainable development of the area

Internal Technical Reports

- Planner's report: The planner concluded that the proposed development would provide a poor level of amenity for future occupants and would negatively impact upon adjoining residential amenity in terms of overbearance. A fundamental redesign would be required.
- Drainage Division had no objections.
- Transportation Planning Division had no objection to the proposal subject to conditions

4. Planning History.

Reg. Ref. 2755/12: Planning permission granted for a two bedroom detached bungalow with vehicular and pedestrian entrances on to Willow Park Avenue and all ancillary works at the rear.

Reg. Ref. 3597/11: Planning permission refused for a two bedroom detached bungalow on the grounds that the proposed development would create a deficiency in private open space for existing houses. The reason for refusal is as follows:

1. The proposed development would effectively reduce the amount of private open space available for the existing dwellings of No. 62 and No. 62A which would result in an insufficient and unacceptable amount of private open space that do not meet the minimum standards for 5 bed space houses as set out in Section 17.9.1 of the City Development Plan. This situation would create an undesirable precedent for sub-division of rear gardens. The proposed development would create a deficiency of private open space for the existing houses resulting in poor residential amenity which would be contrary to the Z1 zoning objective which aims to protect, provide and improve residential amenities and would therefore be contrary to the proper planning and sustainable development of the area.

Reg. Ref. 1283/05: Planning Permission granted for a two bedroom detached bungalow and vehicular entrance to the rear of no.62 Glasnevin Avenue. Permission had already been approved for a house adjacent to no. 62. The approved bungalow would be located behind the two houses.

Reg. Ref. 0257/03: Planning Permission granted for a two storey dwelling to the side of no. 62 Glasnevin Avenue.

5.1. National/Regional/Local Planning Policy

Dublin City Development Plan 2022-2028

The site is subject to the Land Use Zoning Objective Z1 'To protect, provide and improve residential amenities'. Residential use is listed as a permissible use within the land use zoning objective for the site.

Development Plan policies

Policy QHSN2 National Guidelines

To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.

Policy QHSN6 Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland

development, mews development, reuse/ adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN10 Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QHSNO4 Densification of Suburbs

To support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.

Policy QHSN22 Adaptable and Flexible Housing

To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.

Policy QHSN37 Houses and Apartments

To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.

Section 15.2.3 Planning Application Documentation – Planning Thresholds

This section notes that planning applications should be supported by the necessary analysis and documentation to demonstrate the proposed design and rationale for a scheme. Table 15-1 sets out that all residential developments require a Housing Quality Assessment, and any development of 2 or more residential units requires a surface water management plan.

Section 15.5.2 Infill Development

This section sets out requirements for infill development in general.

Section 15.11 House Developments

This section sets out a number of qualitative and quantitative standards for housing, including floor areas, aspect, daylight/sunlight and ventilation, private open space, and separation distances.

Section 15.13.3 Infill/ Side Garden Housing Developments

The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most efficient use of serviced residential lands. Such developments, when undertaken on suitable sites and to a high standard of design, can constitute valuable additions to the residential building stock of an

area and will generally be allowed for by the planning authority on suitable large sites.

Relevant Policy Guidelines

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (January 2024)

SPPR 1 – Separation Distances

It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. There shall be no specific minimum separation distance at ground floor level or to the front of houses, duplex units or apartment units in statutory development plans and planning applications shall be determined on a case by case basis to prevent undue loss of privacy

SPPR 2 - Minimum Private Open Space Standards for Houses

It is a specific planning policy requirement of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house 20sqm
- 2 bed house 30sqm
- 3 bed house 40sqm
- 4 bed + house 50sqm

5.2 Natural Heritage Designations

None relevant

6. The Appeal

6.1 First Party Appeal.

The appellant raised the following issues:

- Sufficient distances have been maintained to nearest properties.
- The first floor window to the rear can be replaced with a velux rooflight.
- Planning permission (Reg. Ref. 2595/14) was granted for a similar dormer bungalow on Willow Park Avenue.

6.2 P.A. Response

The planning authority would request that if permission is granted that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution

- A condition requiring the payment of a contribution in lieu of the open space requirement not being met (if applicable)
- A naming and numbering condition

6.3 Observations

Anthony and Caroline McGinness
Thomas and Sandra Devlin

7. EIA Screening

See completed Form 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. EIA, therefore, is not required.

8. AA Screening

I have considered the proposed change of use in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in the residential area of Glasnevin, Dublin approximately 4 km from the nearest European site.

The proposed development comprises a detached dormer bungalow with vehicular entrance, drainage and associated works.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- Nature and small scale of proposal
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2)(under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Assessment

The key issues arising in this appeal concern (1) the principle of infill residential development, (2) whether the height, scale and massing is appropriate for the area and (3) whether the proposed design would be injurious to the amenity of both future occupants and the amenity of neighbouring dwellings.

Proposals of this type must accord with Section 15.13.3 of the Development Plan, which states that 'Infill/ Side Garden Housing Developments' should be on suitable sites and held to a high standard of design.

The principle of a residential dwelling at this site is acceptable and complies with zoning objective Z1.A previous planning permission, since expired, was granted on this site for a 2 bed detached bungalow (Reg. Ref. 2755/12). The site is therefore suitable for a side garden dwelling.

In accordance with Zone 2 of Map J 'Existing and Future Strategic Transport and Parking Areas' which outlines for new dwelling developments a maximum requirement of 1 car parking space per dwelling, the applicant has provided one car parking space. The proposed vehicular entrance width is 3 metres which is within the parameters of the Dublin City Development Plan 2022 – 2028. The proposed parking footprint meets the minimum required dimension as outline in the Plan.

In terms of the proposed design, the previously permitted bungalow design was noticeably smaller in depth and height than the subject proposal for the larger 3 bed dwelling and the private open space was more useable and allowed a set back from the rear garden wall of 60 Glasnevin Avenue. The subject proposal has a floor area of 130 sqm, a depth of approximately 10m and a roof ridge height of 6.3m.

In terms of safeguarding the privacy of neighbours, the shortest distance is 6m between the first floor dormer window of proposed bungalow and the rear windows of 62A. The appellant offers to omit this window (to be used as a storage room) and replace with a velux rooflight. This would be acceptable and should be attached as a condition in the event of a grant of permission. In this case, the impact on amenity is broadly acceptable given the proposal to remove the first floor window facing 62A, and the orientation of habitable room windows to the front, away from 62A. This would also be in accordance with SPPR1 of the Sustainable Residential Development and Compact Settlement Guidelines (2024) and in line with similar proximities permitted in the area such as at 16 Willow Park Road (Reg. Ref. 2595/14).

In terms of the impact of overshadowing to neighbouring properties, this would also not be significant due to the orientation of the proposed development and separation from existing dwellings to the north

However, there is concern regarding the size and shape of the proposed bungalow, which at 10m depth, 6.3m ridge height and 3m distance from the rear garden wall of 60 Glasnevin Avenue, would have an unacceptably overbearing effect on this

neighbour. By way of comparison, the previously permitted bungalow had a lower ridge height and a gap of 6m to the same garden wall.

The appellant refers to the permission for a dormer bungalow 16 Willow Park Road (Reg. Ref. 2595/14) where the planner's report acknowledges that that proposal was not strictly in the style of Willow Park Avenue houses. However, it is noted that this bungalow, now constructed, has a narrower, subservient form and sits neatly within its curtilage. It offers an appropriate provision of useable garden space to the rear that has the effect of settling the building and providing a clear set back from the garden wall of the neighbour. This design reflects what can be achieved on the subject site and is similar both in scale and form to what was previously consented.

The provision of private open space in this proposal complies with the minimum standards set out in SPPR 2 of the Sustainable Residential Development and Compact Settlement Guidelines (2024). The proposed rear garden is 73 sqm, which is above the minimum 40 sqm area required in these guidelines. Similarly, the current Dublin City Development Plan 2022-2028 sets out a requirement of a minimum of 10sq.m of private open space per bedspace for new dwellings (Section 15.11.3), which the proposal exceeds.

However, whilst the proposal meets the quantitative standard for private open space, the garden comprises long thin strips to the north and east of the dwelling, effectively forming a L shaped rear garden. This is of poor quality and has a low degree of usability, with none of the typical characteristics of a rear garden for family use. This would render it a poor amenity for future residents. The garden layout also leaves very little space (a depth of 3m) to the rear boundary wall of the neighbour to the east (60 Glasnevin Avenue), creating a sense of enclosure and overbearance for that neighbour that would be unacceptable. A smaller dwelling on this site would allow for a useable rear garden and there would be a more generous to the rear garden of 60 Glasnevin Avenue.

I am of the opinion that the proposed development would provide a poor level of amenity for future occupants and would negatively impact upon adjoining residential amenity in terms of overbearance.

10. Recommendation

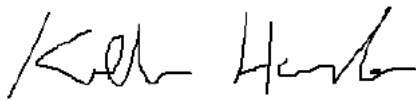
I recommend that permission for the development be refused.

Reasons & Considerations

Having regard to the Z1 residential zoning, as set out in Dublin City Development Plan 2022- 2028 for the area, to the form, scale, bulk and design of the proposed development and its proximity to existing residential development, it is considered that the proposed development would have an excessively overbearing impact on

the existing residential development and would provide a low level of residential amenity for future residents in terms of the quality of private open space. The proposed development would therefore not be in accordance with 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.



Killian Harrington
Planning Inspector

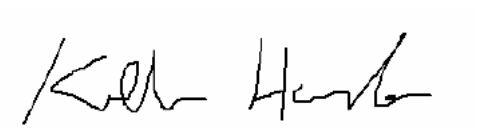
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Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320984-24		
Proposed Development Summary	Permission for development at this site rear of 62 & 62A Glasnevin Avenue, Glasnevin, Dublin 11. The development will consist of a proposed detached dormer bungalow with vehicular entrance onto Willow Park Avenue and all associated site works		
Development Address	Site at rear of 62 and 62A Glasnevin Avenue, Glasnevin, Dublin 11		
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)?			
Yes		State the Class here.	Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

A handwritten signature in black ink, appearing to read 'Killian Harrington', is centered on the page. The signature is written in a cursive, slightly slanted style.

Inspector: Killian Harrington Date: 20/12/2024