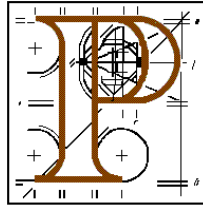


## An Bord Pleanála



### Inspector's Report

**PL06D.245829**

**Development:** Demolition of extension to rear of Mountainview House (Protected Structure), alterations and renovations to house and removal of outbuildings and construction of 3 no. houses.

**Location:** Mountainview House, Beaumont Avenue, Churchtown, Dublin 14.

#### **Planning Application**

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref. No: D15A/0374

Applicant: Mountainview Properties Limited

Type of Application: Permission

Planning Authority Decision: Grant

#### **Planning Appeal**

Appellants: (1) Samantha Kenny & Keith Bradley  
(2) Frank and Geraldine Mc Enaney and others

Type of Appeal: Third Party

**Date of Site Inspection** 23/3/16

**Inspector:** Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.0.1 The site of the proposed development is located at Beaumont Avenue, Churchtown, Dublin 14. It lies on the western side of the Beaumont Avenue which links Churchtown Road and Barton Road East. Beaumont Avenue is predominantly residential. The house types mainly comprise single-storey detached cottages.
- 1.0.2 The site has a stated area of 0.10 hectares and contains Mountain View House which is a Protected Structure. Mountainview House is a detached two/three-storey Georgian property. The front elevation addresses the north and the eastern gable wall of the property directly adjoins the public road. The property has been extended with a glass conservatory located to the southern elevation. The building is currently in commercial use with two businesses operating from the premises.
- 1.0.3 Also within the site there are a number of outbuildings and sheds to the west of the house. The area to the front and rear of Mountainview House is hardsurfaced with concrete. There is a small grassed area to the north-western corner of the site. The main vehicular access to Mountain View House is located on the northern boundary. There is a second gated entrance to the south of the house.
- 1.0.4 The northern site boundary adjoins a block of three dormer bungalow dwellings. The southern boundary adjoins a detached single storey cottage. Nutgrove Enterprise Park is situated immediately to the west of the site.

## **1.1 THE PROPOSED DEVELOPMENT**

Permission is sought for the demolition of an extension to rear of Mountainview House (Protected Structure), alterations and renovations to house development of a new extension to the house and the removal of outbuildings and construction of 3 no. houses.

Features of the scheme include;

- Site area 0.10 hectares,
- Floor area of existing buildings 127sq m,
- Floor area of proposed works 443.4sq m,
- Floor area to be retained 111.2sq m,
- Floor space proposed for demolition 15.8sq m.

## **1.2 THE PLANNING AUTHORITY'S DECISION**

### **Internal Reports:**

Transport Department: No objection subject to conditions.

Conservation Officer: No objection.

### **Submissions**

The Planning Authority received a number of submissions in relation to the application the main issues raised are similar to those set out in the appeal.

### **Decision**

Following the submission of further information and clarification of further information the Planning Authority decided to grant permission subject to 21 no. conditions.

## **1.3 PLANNING HISTORY**

There is a comprehensive planning history on the site the most recent cases which relate to the subject site are;

Reg. Ref. D14A/0445 – Permission was granted for the demolition of derelict outbuildings.

Reg. Ref. D08A/1286 – Permission was refused for the demolition of existing house no. 84 Beaumont Avenue, derelict outbuildings and a single storey lean-to conservatory attaching to rear of Mountainview House (Protected Structure). The construction of a rear extension to Mountainview House and the construction of two apartment blocks comprising 10 apartments. Permission was refused for three reasons. The first reason refers to the scheme constituting overdevelopment of this restricted site in an established residential area. The second reason refers to the design of the proposed apartments which would detract from the setting and character of Mountainview House, and the streetscape of Beaumont Avenue, and would be injurious to the visual amenity of the area. The third reason refers to the inadequate sightlines provided at the proposed vehicular entrance.

Reg. Ref. D06A/0135 & PL06D.219675 – Permission was refused for the demolition of existing house no. 84 Beaumont Avenue, conservatory and outbuildings adjacent to Mountainview House,

Protected Structure and 16 no. residential units. Permission was refused for two reasons the first on the basis that it would constitute overdevelopment on a restricted site. The second reason referred to the inadequate vision splays available at the vehicular entrance which would endanger public safety by reason of traffic hazard.

## **2.0 PLANNING POLICY**

### **2.1 Dun Laoghaire Rathdown County Development Plan 2016 – 2022**

The subject site at Mountainview House, Beaumont Avenue, Churchtown, Dublin 14 is located on Map 1 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective 'A' to protect and/or improve residential amenity.

- Chapter 8 refers to Principle of Development
- Section 8.2.3.1 refers to Quality Residential Design

## **3.0 APPEALS**

**2 no. third party appeal has been received by the Board from (1) Samantha Kenny & Keith Bradley & (2) Frank and Geraldine Mc Enaney and others.**

### **3.1 (1) Samantha Kenny & Keith Bradley**

- Impact on residential amenity in terms of overlooking and loss of privacy.
- Discrepancies in plans.
- Inadequate car parking provided would result in parking on Beaumont Avenue.
- The proposed design is out of character with Mountainview House Protected Structure and surrounding development.
- The appellants raised concern that additional car parking along Beaumont Avenue could result in the withdrawal of the bus route.
- Development would result in loss of mature trees.

- The proposed vehicular access is unsuitable for service vehicles.
- It is proposed to alter the boundary wall which is protected.
- The scheme does not provide suitable bin storage.
- Suitability of the existing public sewer to accommodate new development.

**3.2 (2) Frank and Geraldine Mc Enaney and others. Main issues raised concern the following;**

- There was inadequate consideration of the proximity of Mountainview House a Protected Structure in relation to the design of the scheme.
- The scale of the proposed dwellings are considered excessive relative to hierarchical scale of Mountainview House, Protected Structure.
- The proposed alterations to site entrance would have a detrimental impact upon the character and setting of Mountainview House, Protected Structure.
- There would appear to be discrepancies in the plans. The redesign sought by the Planning Authority is contrary to proper procedure.

**3.3 First Party response to third party appeals**

A response to the third party appeal has been submitted by Manahan Planners on the 7<sup>th</sup> of January 2016. The main issues raised concern the following;

- The proposed window design including use of opaque and angled windows would reduce the possible overlooking to minimal levels.
- Concerns raised regarding traffic are not considered valid as there is sufficient car parking to serve the scheme. The Development Plan requires 2 no. car parking spaces per unit. The current scheme provides for 2 no. car parking spaces per unit and one visitor space.
- Regarding the matter of contextual design the proposed new dwellings are of contemporary design. The modern design will clearly distinguish the new buildings from Mountainview House.

- The proposed modifications to the boundary wall are necessary to provide safe access and egress to the dwellings.
- In relation to the issue of discrepancies in plans it is noted that the Planning Authority were satisfied with the plans submitted and granted permission and the Board also validated the appeal.
- Regarding the issue of potential generation of additional car parking along Beaumont Avenue it is stated that there will be no overspill of car parking. Furthermore it is stated that the development of the site cannot be constrained by the fact that existing parking occurs along the footpath on Beaumont Avenue which can constrain the movement of the no. 14 bus.
- Regarding the access for fire tenders and ambulances it is stated that the proposed realigned access gate proposed hard surfaced area to the front of the dwellings will allow for the circulation of vehicles for emergency purposes.
- The issue of waste storage is raised in the appeal it is stated that there is ample space available to store wheelie bins.
- Reference is made to the suitability of the existing public sewer to accommodate new development. The new development will involve a network of modern pipes to be laid to suitable falls which will ensure their effective operation.
- The proposed residential development is consistent with the provisions of the County Development Plan and it would not be injurious to the residential amenities of the area and would be in accordance with traffic convenience and safety.

### **3.4 Planning Authority response to third party appeals**

- Overlooking would not occur. Condition no. 3 provides that obscure glazing be used in the first floor rear elevation windows. The bedroom windows at second floor level achieve a separation distance of 11m.
- Reference is made in both appeals to the issues sought at further information and clarification of further information. All issues raised and requests made are standard and common in many applications. None of the responses comprised significant further information or significantly revised plans which would require re-advertisement.

- Regarding car parking the Transportation Section are satisfied that the proposals are in accordance with Development Plan standards.
- The possibility of the bus route being withdrawn as set out in the appeal submitted by Samantha Kenny and Keith Bradley is considered unlikely.
- The statement made in appeal submitted by Samantha Kenny and Keith Bradley that the wall at Mountainview House is Protected Structure and cannot be altered is not the case.
- The Planning Authority considers that the proposed development retains the primacy of Mountainview House while providing additional residential development consistent with zoning objectives.
- The Planning Authority considers that the decision to grant permission for the development is the appropriate decision.

#### **4.0 ASSESSMENT**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Design and layout
- Impact of the Proposed scheme on Mountainview House Protected Structure
- Impact upon amenity
- Traffic and car parking
- Appropriate Assessment

#### **4.1 Design and layout**

4.1.1 The proposed scheme provides for the demolition of the existing outbuildings and construction of 3 no. terraced dwellings. It is also proposed to demolish the rear extension to Mountainview House and construct a new extension and refurbish the property. The appellants have raised concern regarding the design of dwellings particularly relative to Mountainview House which is a Protected Structure. I shall examine this matter in the subsequent section of the report.



- 4.1.2 In relation to the three terraced houses it is proposed to site them 3.45m to the west of Mountainview House. The dwellings are three storey and are proposed to be built 1.303m below the finished floor level of Mountainview House.
- 4.1.3 The proposed scheme is contemporary in design it includes concrete and brick external finish, flat roofs, and narrow fixed angled windows. The infill nature of the appeal site means any development should fully respect the character and context of the area. The height and design of the proposed of the dwellings relative to the neighbouring dwellings has been raised, I will address the potential impacts in terms of overlooking in section 4.3 of the report.
- 4.1.4 In terms of the private open space provision, each dwelling is served by a rear garden with an area of between 54sq m and 56sq m and a rear terrace with an area of circa 12sq m. Section 8.2.8.4 of the Development Plan sets out the standards for private open space. In the case of three bedroom houses a minimum of 60sq m is required. All the new dwellings have private open space with an area in excess of 66sq m. It is proposed to renovate Mountainview House and return it to use as a single residence. The floor plans indicate 4 no. bedrooms. Section 8.2.8.4 requires that in the case of four bedroom houses a minimum of 75sq m is required. A rear garden of 113sq m is proposed. Having reviewed the site layout plans, I am satisfied that the areas of the gardens and terraces have been provided in accordance with the required standards set out in 8.2.8.4 of the County Plan.
- 4.1.5 Section 8.2.3.2 (v) refers to refuse storage and services it is required that in the case of individual houses, the applicant shall clearly show within a planning application the proposed location and design of bin storage to serve each dwelling, and having regard to the number of individual bins required to serve each dwelling at the time of the application and any possible future requirements for refuse storage/collection. The submitted site layout plans do not indicate a designated area for bin storage. There is adequate space to the front and rear of Mountainview House to provide for bin storage. In relation to the three new dwellings as they are terraced properties it would be appropriate that bin storage areas be provided to the front of the dwellings within the overall site. Therefore, I would consider it appropriate to replace the bicycle parking area with a bin storage area. In the event that residents have bicycles these can be storage within their homes or gardens.

## **4.2 Impact of the Proposed scheme on Mountainview House Protected Structure**

4.2.1 Mountainview House is a Protected Structure as listed in Appendix 4 of the Development Plan. The property was constructed in the late Georgian period. The exterior of the building appears to be well maintained with the original design features substantially retained. The main alteration to the structure was the construction of a glass conservatory located to the southern elevation. The building is a prominent within the streetscape as the gable wall directly adjoins the public road.

4.2.2 The outbuildings on site to the side of Mountainview House are not Protected Structures and are not of particular historic or architectural interest. It is proposed to demolish the structures and construct a terrace block of three dwellings roughly within the footprint of those buildings. I would have no objection in principle to the proposed development provided it would not unduly impact upon the character or setting of the Protected Structure.

4.2.3 Having visited the site and view the proposed elevations I am of the opinion that the proposed new development has been designed having specific regard to protecting the character and context of Mountainview House. This has been achieved through the siting and design of the new dwellings. Firstly, the contemporary design ensures the architectural character of the standalone Georgian property is not diminished by the use of a pastiche design. Secondly, the separation distance between the new dwellings and Mountainview House of 3.45m is the same distance which exists to the outbuildings to the west. Thirdly, the proposed new development occupies roughly the footprint of the existing outbuildings and finally the proposed flat roof design and a finished floor level 1.303m below that of Mountainview House ensures that the new dwellings appear visually subordinate to the Protected Structure.

4.2.4 Accordingly, having regard to the overall design of the scheme I am satisfied that it can be appropriately integrated into the site and that it would fully respect the character and context of Mountainview House.

## **4.3 Impact upon amenity**

4.3.1 The appellants have expressed concern in relation to the impact the proposed scheme would have on their existing amenities, specifically in relation to overlooking. The closest residential properties to the site are situated immediately to the north and the south on Beaumont Avenue.

- 4.3.2 The front of the proposed dwellings face north towards the side elevation and rear garden of no. 78C Beaumont Avenue. The front elevation of the proposed dwellings would be a minimum distance of 8m from the southern boundary of no. 78C. The scheme has been designed in order to specifically address any potential overlooking of the residential property to the north. In this regard the windows to the front elevation of the dwellings feature the use of opaque and angled windows. This use of windows which have been splayed to face north-east would ensure that there would be no direct overlooking of the private open space of the neighbouring property to the north.
- 4.3.3 In relation to the potential impact to the closest residential property to the south I note that there is a separation distance of 8m from the rear of the dwellings to the boundary with no. 84 Beaumont Avenue. The proposed rear elevation of the dwellings is illustrated on Drawing No: 1505-L(-)103A submitted with the clarification of further information. This drawing indicates the clearly that it is proposed to prevent overlooking at first floor level with the use of an aluminium screen across the extent of the rear elevation. At second floor level the rear windows of the dwellings would be set back over 11m from the southern boundary with no. 84. This set back provides an adequate separation to mitigate undue overlooking.
- 4.3.4 Having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwellings, the relative separation distances to the existing dwellings to the north and south and design of the proposed dwellings that it would not result in any undue overlooking of the neighbouring residential properties.

#### **4.4 Traffic and car parking**

- 4.4.1 The proposal entails the provision of a total of 3 no. new dwellings and the return to use of Mountainview House as a single dwelling. There are currently two vehicular accesses. It is proposed to close the southern access and alter the northern access to improve sightlines.
- 4.4.2 It is proposed to remove a section of roadside boundary wall for circa 15m to redesign the entrance to improve sightlines and provide for safe vehicular manoeuvres into and out of the site. The existing entrance faces north and does not directly address the road perpendicularly. Therefore using the existing entrance on exiting the site and travelling south it is necessary for vehicles to make a U-turn. The proposed entrance design would eliminate this requirement and improve the safety of traffic manoeuvres into and out of the site. While it is noted that the proposal would involve the removal of a section of the original boundary wall associated with Mountainview House this is necessary in terms of overall traffic safety.

4.4.3 Table 8.2.3 of the Dun Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. 2 no. car parking spaces are required for all dwellings with three or more bedrooms. All proposed new dwellings have three bedrooms and there are four bedrooms proposed within Mountainview House. The site layout plan submitted with the clarification of further information Drawing No: 1505-L(-)101A indicates a total of 9 no. car parking spaces. This provides 2 no. spaces per dwelling within one space for visitor parking. Having regard to the parking requirements as set out in the Development Plan I am satisfied adequate on-site parking has been provided and that the scheme would not result in the generation of on-street parking along Beaumont Road.

#### **4.5 Appropriate Assessment**

4.5.1 The appeal site is situated circa 4.6km to the south of the closest European sites South Dublin Bay and Tolka River Estuary SPA and South Dublin Bay SAC. Having regard to the nature and scale of the proposal, the nature of the receiving environment, namely a suburban and fully serviced location and the separation distance to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **5.0 Recommendation**

5.0.1 Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

## Reasons and Considerations

Having regard to the residential zoning of the site in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and having regard to the pattern of development in the area, the layout of the scheme, and the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of Mountainview House a Protected Structure, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of September 2015 and the 15th day of October 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, revised plans and drawings indicating the following:
  - a) A bin storage area to the front of the terrace block in place of the cycle parking spaces.
  - b) The three rear/south elevation first floor landing windows to the proposed dwellings fitted with obscure glazing.
  - c) The three first terraces fitted with obscure glazing to a height of 1.8 metres.

**Reason:** In the interest of residential and visual amenity.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to

facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

9.

- (1) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer). A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the parks and landscape services section of the planning authority, and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of orderly development.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Siobhan Carroll,  
Planning Inspector  
13<sup>th</sup> of April 2016**