



An
Bord
Pleanála

Inspector's Report

ABP-307374-20

Development	Construction of a dwelling and associated site works
Location	7 Limekiln Drive, Manor Estate, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0362
Applicants	Mairead Rice & Andrew O'Reilly
Type of Application	Permission Consequent on the Grant of Outline Permission
Planning Authority Decision	Grant Permission Consequent on the Grant of Outline Permission
Type of Appeal	Third Party v Grant Permission Consequent on the Grant of Outline Permission
Appellants	Andrew McKeivitt & Sharon McAllorum and Patricia & Niall Harmon
Observers	Mrs. M. Richardson and others

Date of Site Inspection

25.08.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located in a residential area approx. 400 metres east of Tymon Park in south west Dublin between Templeogue and Walkinstown.
- 1.2. The site is on the corner of Limekiln Close (a cul-de-sac) and Limekiln Drive in a residential area characterised primarily, but not exclusively, by semi-detached dormer houses of varying design. The site comprises the side curtilage of 7 Limekiln Drive, a detached single storey house externally finished in dash with rooflights to the front and rear. The existing vehicular access to No. 7 is off Limekiln Close in the north east area of the site. The site has a pedestrian access from Limekiln Drive to the front. There is a low wall around the roadside boundary of the property with an internal hedge and some trees. The southern area of the subject site comprises part of the garden area of the existing house and the northern area of the site comprises hardstanding for vehicular parking for the existing house. There is a wall to the northern boundary with a dormer house adjacent and a wall to the north western boundary of the site which encloses rear private open space for the existing house.
- 1.3. The site has a stated area of 0.0264 hectares.

2.0 Proposed Development

- 2.1. The application is for permission consequent on the grant of outline permission for a two-storey house.
- 2.2. The proposed house has a stated floor area of 112sqm with an indicated height of 6.364 metres. The house is to be externally finished in render with a minor area of timber cladding and a natural slate roof.
- 2.3. Further information was submitted in relation to, inter alia, car parking provision, revised floor plans to comply with the Quality Housing for Sustainable Communities Guidelines and a response from an engineering consultant in relation to surface water disposal and water supply.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission following the grant of outline permission subject to 12 no. conditions including Irish Water connection, surface water disposal, a tree bond, the vehicular entrance, external finishes, construction practices and a development contribution.

3.2. Planning Authority Reports

3.2.1. Two Planning Reports form the basis of the planning authority decision. The latter report concludes that, having regard to the provisions of the South Dublin County Council Development Plan and the design and scale of the development proposed, the development would not seriously injure the amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports

Roads Department – No objection following the further information response.

Parks & Landscape Services – Conditions recommended in relation to the adjoining grass verge and a tree bond.

Water Services – No objection subject to conditions following the further information response.

3.3. Prescribed Bodies

Irish Water – No objection following the further information response. Observations made.

3.4. Third Party Observations

3.4.1. Two submissions were received from Andrew McKevitt & Sharon McAllorum, 3 Limekiln Close and Niall & Patricia Harmon, 7A Limekiln Drive. The main issues raised are largely covered by the grounds of appeal with the exception of the following:

- Shadowing impact on the existing house on site.
- The original grant was for a bungalow and this is a two-storey structure.
- Incorrect drawings submitted.
- Inadequate private open space for No. 7 Limekiln Drive.

4.0 Planning History

The relevant planning history on site is:

SD17A/0029 – Outline permission was granted in 2017 for a 117sqm ‘two-storey bungalow’.

P.A. Reg. Ref. SD08A/0769 – Permission was granted in 2009 at 7 Limekiln Drive for the demolition of the detached rear garage, construction of a detached dormer house in the rear garden, to move the existing vehicular entrance and construct a new vehicular site entrance. This house is 7A Limekiln Drive.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

- 5.1.1. The site is in an area zoned ‘Objective RES; To protect and/or improve residential amenity’.
- 5.1.2. Housing (H) Policy 17 (Residential Consolidation) states it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

5.2. Development Management Guidelines for Planning Authorities (2007)

- 5.2.1. Section 7.13 (Drafting Planning Conditions/Reasons for Refusal of Permission – Residential development) states, in relation to conditions at outline permission stage,

that it is particularly important that conditions relating to basic services, significant design criteria, financial contributions, security for completion, road reservations and other such fundamental matters are attached, where appropriate, to outline permissions for housing development. If this is not done, difficulties may arise at the permission consequent stage.

- 5.2.2. Section 8.2 (Planning Appeals – Who may appeal?) states that there is no appeal to the Board against a decision to grant permission consequent on the grant of an outline permission in respect of any aspect of the decision which was decided in the outline permission

5.3. **Natural Heritage Designations**

- 5.3.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 6km to the south west. The closest heritage area is Dodder Valley pNHA approx. 1.9km to the south.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The joint grounds of appeal have been received from Andrew McKeivitt & Sharon McAllorum (3 Limekiln Close; opposite side of the road to the north east) and Patricia & Niall Harmon (adjacent to the north). The main points made can be summarised as follows:

- The proposed house would be incongruous by virtue of its height, scale and mass, proximity to the existing boundary, the visually imposing chimney feature and the slate roof whereas all other roofs have tile.
- There is no first floor window for passive supervision onto Limekiln Drive.
- The outline grant of permission was for a very different style of house which would have been more in keeping with the houses in the area and would be less intrusive on 7A Limekiln Drive. The roof line followed other houses on Limekiln Drive. The change in orientation has made the house more intrusive

on the internal and external amenity of 7A by way of the glazing with no obscure or fixed glazing to prevent overlooking.

- The footprint is not in keeping with existing houses. A second house has already been built on this plot and further development on this prominent corner would give an overcrowded appearance and set an undesirable precedent.
- There are discrepancies in submitted drawings in relation to the private open space area. Measurements are inconsistent. The house, private open space and car parking cannot all be achieved without sacrificing either the private open space or the car parking area. The private open space area has an inadequate depth.
- Overshadowing and overlooking of 7A Limekiln Drive injuring the amenity and depreciating the value of the property.
- 7A Limekiln Drive has full opening windows on the southern elevation which closely overlook the site.
- Car parking spaces are below the minimum size requirements and it has not been demonstrated that there is sufficient space for parking and manoeuvring of cars.
- The development eliminates car parking from the existing site which has historically been rented out and has high parking demand. Removing the car parking spaces will result in safety issues where there is already a high degree of on-street parking.
- Health and safety concerns in the event of fire from three houses being close together and increased on-street parking.
- The hedge referred to in the planning authority report has already been damaged.
- The development would be contrary to the zoning objective for the area.
- Photographs have been submitted with the grounds of appeal illustrating the impact of the development. Other documentation has also been submitted with the grounds of appeal such as a letter from a real estate agent in relation to the

sale of No. 7 Limekiln Drive, copies of misrepresented drawings submitted and copies of other drawings with comments.

6.2. Applicants' Response

The main points raised can be summarised as follows:

- There is an issue in relation to the validity of the third-party appeal in that one composite appeal has been received despite two separate submissions having been made on the original planning application submitted to the local authority.
- Parts of the content of the planning authority Planning Report in relation to zoning, residential and visual amenity, overlooking, shadowing and overbearing, private open space impact, building line, access and parking, the internal house layout and services are set out and the reports' conclusion, recommendation and first schedule states that the development is consistent with the policies and objectives of the development plan and the proper planning and sustainable development of the area. The Board should be slow to depart from it.
- In relation to visual amenity, the proposed development is appropriate in design and height, responding and integrating into its receiving environment. It is not incongruous. It is two-storeys in height surrounded by two-storey buildings with no abrupt transition in scale. The building line is largely in-line. A condition requiring tile rather than slate on the roof could be attached if necessary. The house will bring a more active edge to this corner in relation to the grounds of appeal stating there is no provision for passive surveillance to Limekiln Drive.
- The development is consistent with national policy to increase densities in the built environment on infill sites. The proposal gives effect to that policy and the site is located within 100 metres of bus stops.
- Sufficient private space has been provided.
- The planning authority Planning Report addressed matters of overshadowing and overlooking. No new objective evidence has been submitted in the grounds of appeal showing the development will give rise to overshadowing and overlooking of the property to the north. In terms of proximity of the proposed

house to 7A, 7A is 1 metre from both the boundary with 2 Limekiln Close to the north and from the boundary with the subject site.

- It would be unreasonable in the circumstances to require a 22 metres setback to be maintained. A condition requiring opaque glazing to be installed at the first floor windows on the northern elevation might address any overlooking concerns.
- In relation to car parking and access, no objection to the removal of off-street parking was submitted by the owners of No. 7 Limekiln Drive. It is open to them to apply for permission for off-street parking if they wish. The Council's Roads Section do not have any objection. Parking standards in the plan are maximum standards. There is no statutory requirement for autotrack plans.
- No objective evidence has been provided showing the development would increase the risk of fire hazard or hinder movement of emergency vehicles. A detached house presents a lower fire risk than terraced housing.
- No work has taken place and the boundary hedge has not been damaged.
- Some comments have been provided by the architects in regard to issues with the drawings e.g. 62sqm private open space is accurate and it excludes the parking area, 3D images are for information only, outline approval was for a dormer as is the current application and the approved outline scheme was included to provide the planning department with as much information as possible.

6.3. Planning Authority Response

6.3.1. The planning authority confirms its decision and the appeal raises no new issues.

6.4. Observations

One submission, including photographs and a copy of a rental advert for No. 7 describing it as a three bedroom house as opposed to a two bedroom house for planning purposes, was received from Mrs. M. Richardson, 9 Limekiln Close (and three other residents of Limekiln Close). The issues raised are largely covered by the submissions received on the original planning application and the grounds of appeal.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Reports and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Outline Permission
- Proposed House Type
- Impact on Adjacent Residential Amenity
- Car Parking Provision/Private Open Space
- Appropriate Assessment

7.1. Outline Permission

7.1.1. Section 36(6) of the Planning & Development Act, 2000 (as amended), states outline permission grants permission in principle for the development of land subject to a subsequent detailed application for permission. The Development Management Guidelines (2007) state it is particularly important that certain conditions are attached at outline stage.

7.1.2. Outline permission was sought in 2017 for the construction of a 117sqm detached two-storey bungalow adjacent to the existing house at 7 Limekiln Drive on a 0.0263 hectare site. Despite being an application for outline permission, elevation drawings of a 6.16 metres high dormer house were submitted with the application. The existing vehicular access location was retained for use by the proposed house. The house footprint matched the front and rear building lines of the existing house on site, No. 7, but the house was accessed from the east/side elevation. No vehicular access was provided for the existing house. Further information was sought requesting, inter alia, a revised site layout plan clearly illustrating adjacent houses, landscaping/boundary details,

private open space provision for both the existing and proposed houses, access and parking detail for the existing house and parking provision for the proposed house, surface water detail and water and wastewater detail.

- 7.1.3. The further information response included a revised site layout plan, contextual elevations (showing the proposed house type) and services detail. The response included a new vehicular access for the existing house off Limekiln Drive, and the applicant unilaterally submitted revised public notices to reflect this, but did not alter the red line site boundary accordingly. The planning authority decided to grant permission subject to 7 no. conditions. Conditions included the following elements:

Condition 1 – No development to take place until an application for permission consequent on the grant of outline permission has been granted in respect of details of layout, siting, height, design, external appearance and means of access.

Condition 2 – An application for permission consequent shall be made within three years.

Condition 3 – The final house design shall ensure a dual frontage design.

Condition 4 – At permission consequent stage boundary treatments shall be submitted.

Condition 5 – The final design shall show parking provision for both the existing and proposed houses for two cars.

Conditions 6 and 7 – Relate to water, foul water and surface water.

- 7.1.4. The Development Management Guidelines (2007) states that it is particularly important that conditions relating to, for example, financial contributions and other fundamental matters are attached, where appropriate, to outline permissions for housing development. The planning authority's grant of permission makes no reference to payment of financial contributions. Other conditions that might reasonably have been included such as hours of construction or house numbering (given the existing house on site is No. 7 Limekiln Drive and the adjacent house to the north is No. 7A Limekiln Drive despite accessing Limekiln Close) are not included. The application made no reference to Part V. The decision results in off-street car parking being removed from the existing house because the red line site boundary does not include that area. As the current application is for permission consequent, the

conditions that can be applied to a grant are restricted to the conditions applied to the parent permission.

7.2. Proposed House Type

- 7.2.1. As noted in Section 7.1 of this assessment, despite the parent permission P.A. Reg. Ref. SD17A/0029 being an application for outline permission, elevations of the 117sqm 'two-storey bungalow' were submitted with that application. As the application was for outline permission I do not consider that the specific house design must be the one provided at permission consequent stage. However, I do consider that the general scale of the house proposed at permission consequent stage must reflect that referenced in the public notices at outline stage. In that regard, I consider the proposed 112sqm, 6.364 metres high 1 ½ storey house reflects the house type cited and granted in the outline permission application.
- 7.2.2. Condition 1 of P.A. Reg. Ref. SD17A/0029 requires, inter alia, detail relating to height, design and external appearance. The majority house type in the vicinity comprises semi-detached dormer type houses (with variations in these) though neither the existing house on site (No. 7 Limekiln Drive) nor the other house constructed within its original curtilage (No. 7A) reflect this. Therefore, I consider that the house type required on site by virtue of the grant of outline permission, a 'two-storey bungalow', would not be out of character with the existing character of the area. I consider the house type proposed under the current, permission consequent, application, to be an improved house design than that submitted under the outline permission.
- 7.2.3. The proposed house type has a render finish with a minor area of timber cladding at the entrance. A natural slate roof is proposed which I consider to be acceptable. The design is a contemporary addition to a more mature residential area. It has windows with vertical emphasis and good proportions in the context of the house. Condition 3 of P.A. Reg. Ref. SD17A/0029 requires the final design of the house to have a dual frontage design to maximise surveillance of the public domain. I consider that a dual frontage design is provided. There are three windows proposed facing south, albeit the first floor window is set back from the southern building line. Notwithstanding, I consider the proposed house type to be consistent with the provisions of Condition 3

of the outline permission. I consider the proposed house type to be acceptable at this location, in principle.

7.3. Impact on Adjacent Residential Amenity

- 7.3.1. The grounds of appeal reference the adverse impact of the proposed house on the amenity of the adjoining property to the north, No. 7A.
- 7.3.2. Outline permission has been granted for a 1 ½ storey house at this location and I do not consider there will be any undue shadowing or overbearing impact on the adjoining property to the north given the set back from the relevant boundary and the 6.364 metres height. There would be a greater impact to the side elevation windows of the existing house, but this issue does not appear to have been considered by the planning authority in the assessment of the outline permission application.
- 7.3.3. There are no windows to the rear/eastern elevation affecting the existing house on site. First floor windows to the front/east and side/south overlook the public roads. No overlooking arises to the north from ground floor windows. Overlooking impact from the first floor windows (bedroom and stairs) have been raised as a concern in the grounds of appeal. The bedroom window is an indicated 6.275 metres from the party boundary and approx. 7.4 metres from the side elevation of No. 7A. There are two first floor windows to the side elevation of No. 7A. These windows have opaque glazing and, from the floor plans permitted under P.A. Reg. Ref. SD08A/0769, they serve a bathroom. They are openable windows. A single-storey extension has been constructed to the rear of No. 7A. The proposed first floor bedroom window has a direct view of the side of the adjacent house but would only have an oblique view of the private open space to the rear of No. 7. The view from the stairs window would be even more oblique. This oblique view of the private open space would be affected by the single-storey extension to the rear. In addition, the angled separation distance to the single-storey extension, approx. 10 metres, is longer than the separation distance to the side wall of the house. I do not consider that the proposed house design would result in a significant adverse impact on the residential amenity of No. 7A. Relocating the bedroom window to the rear elevation would likely result in a severe overlooking of the rear of No. 7. I consider that a condition requiring this bedroom window to have

obscure glazing, the only window serving the room, would have a significant adverse impact on the residential amenity of the room.

- 7.3.4. Having regard to the foregoing, and considering the application is for permission consequent to the grant of outline permission, I do not consider that the proposed house type would result in a significant adverse impact on the residential amenity of No. 7A Limekiln Drive.

7.4. Car Parking Provision/Private Open Space

- 7.4.1. The outline permission set out the site layout generally permitted. A 62sqm private open space area in the northern part of the site and a gravel driveway were indicated on the site layout plan submitted as part of the further information response. Condition 5(i) stated that two car parking spaces should be provided.
- 7.4.2. The site layout originally submitted for the current application also indicated provision of a 62sqm private open space area to the north with a gravel driveway. However, the dimensions provided indicated a smaller area. Table 11.20 (Minimum Space Standards for Houses) of the County Development Plan 2016-2022 states 60sqm private open space is required for a three bedroom house. A revised site layout plan was submitted as part of the further information response. This again cited provision of a 62sqm area but in this drawing that area appeared to be accurate. Two car parking spaces were provided though it appeared that manoeuvring both cars into the spaces set out, which were shorter than the lengths cited in the further information request, would prove difficult. Notwithstanding, permission was granted.
- 7.4.3. I consider that a condition should be attached to a grant of permission that requires the developer to demonstrate, through autotrack or similar, that two car parking spaces can be provided on site. The applicants' response to the grounds of appeal state that car parking standards in the County Development Plan are maximum standards. However, the outline permission is the relevant standard for this application and I do not consider, from the documentation received on file, that it has been satisfactorily demonstrated that two cars can be comfortably accommodated on site given the restricted car parking area outlined.
- 7.4.4. The accommodation of two spaces on-site, which as noted above is a condition of the outline permission, may require an increase in car parking area and subsequent

reduction in the area of private open space to the north of the site. The private open space area should be reduced as little as possible. Notwithstanding, I note that private open space to the south of the house will be provided regardless. While not as private as the area to the north of the house, I do not consider that a limited shortfall in private open space to the north of the house would have a serious adverse impact on the amenity of occupants.

7.4.5. Condition 5(i) of the outline permission also requires the provision of two car parking spaces within the curtilage of the existing house. The planning authority effectively granted permission under the outline permission for the removal of on-site car parking from the existing house. While provision of a new vehicular entrance to the existing house was indicated in the further information response in the outline application, the red line site boundary was not revised to include this within the red line site boundary of the application. Therefore, I do not see how this site layout can reasonably be laid out to provide parking for two cars for the existing house within the permitted red line site boundary.

7.4.6. I consider that a condition should be attached to a grant of permission requiring the developer to demonstrate that two car parking spaces can be comfortably accommodated on-site. I do not consider that the inclusion of a small area of the private open space would have a significant adverse impact on the residential amenity of the house.

7.5. **Appropriate Assessment**

7.5.1. Having regard to the fact that the principle of the development of this house was established under outline permission P.A. Reg. Ref. SD17A/0029, the nature and scale of the development proposed, and to the nature of the receiving environment, namely a suburban and fully serviced location remote from and with no hydrological pathway to any 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.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council County Development Plan 2016-2022 and the outline permission on site, P.A. Reg. Ref. SD17A/0029, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design, would not seriously injure the residential amenity of adjoining property and would result in a satisfactory standard of amenity for occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 02.03.2020, 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. All relevant conditions attached to the grant of outline planning permission associated with the subject site (planning register reference number SD17A/0029 refers), shall be strictly adhered to.

Reason: In the interest of residential amenity.

3. The developer shall demonstrate that sufficient space has been provided for the accommodation of two cars within the curtilage of the site by way of autotrack or similar. Detail shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and pedestrian and traffic safety.

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

Reason: In the interest of visual amenity.

Anthony Kelly
Planning Inspector
31.08.2020