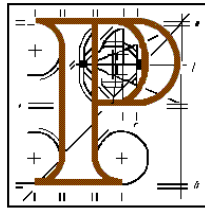


An Bord Pleanála



Inspector's Report

PL06S.245500

Extension to sides of bungalow, alterations to shared vehicular entrance to comply with permission granted under PL06S.243924 (condition No. 5) at St. Enda's, Sarah Curran Avenue, Rathfarnham, Dublin 16

PLANNING APPLICATION

Planning Authority: South Dublin Co. Co.

Planning Authority Reg. No: SD14B/0249

Applicant: Jean Raymond

Planning Authority Decision: Refuse

APPEAL

Appellants: Jean Raymond

Type of Appeal: 1st party –V-Decision

Inspection: 09-11-2015

1.0 THE PLANNING APPLICATION

1.1 THE SUBJECT SITE

The subject site is large residential curtilage (0.25ha) at the junction of Whitechurch Road with Sarah Curran Avenue. This area is residential with a relatively modest density in the general vicinity. The property is accessed off Sarah Curran Avenue which has only a small number of accesses off it. The access is difficult to manoeuvre on the approach from the east due to its narrow splay and angle to the road. The eastern site boundary is a river which separates the site from the large public park, St. Enda's Park.

On the site there is a larger dormer bungalow surrounded by mature planting. To the side of the dormer bungalow (family home) is a small cottage, which is the subject of this appeal. The cottage is on a parallel building line to the existing dwelling, and it is not visible from the front of the property or from the surrounding road network. There is a timber fence dividing the private curtilages of both dwellings to the rear.

The grounds are very well maintained, and the curtilage has a large amenity area to the front and a smaller garden area to the rear. There is a tall stone wall along the northern and eastern site boundary.

1.2 PROPOSED DEVELOPMENT

The public notices state the subject of the planning application is:

- Single storey extensions to the sides of an existing bungalow with alterations to the existing front and rear facades (50sq.m)
- Alterations to existing shared vehicular entrance to comply with previous grant of permission (PL06S.243924, Condition No. 5, to provide adequate sightlines).

1.3 SUBMISSIONS RECEIVED

There were no third party submissions.

1.4 PLANNING AUTHORITY'S REPORTS

The Planning report reflects the planning authority's decision.

Roads Report:

The Roads department has grave concerns the works would not be carried out to the entrance to improve sightlines. Therefore it is recommended the improvements to the entrance be carried out prior to any extension works to the bungalow. A refusal is recommended.

1.5 PLANNING AUTHORITY'S DECISION

South County Dublin Co. Co. Refused the development for the reason:

The applicant has not submitted details to the planning authority pursuant to Condition 5 of An Bord Pleanála decision Ref. PL06S.243924 and such requirements, which are in the interests of traffic safety, were to be submitted within three months of the Board's order, dated 22/01/2015. The proposed intensification of the use of the dwelling due to the extensions would in the absence of compliance with the Board's Condition 5, endanger public safety by reason of a traffic hazard.

2.0 THE APPEAL

2.1 THE GROUNDS OF APPEAL

The reason for refusal relates to Condition No. 5 of the Bord' Decision PL0S. 243924 because it was not complied with by the applicant.

The Assistant Engineer in South County Dublin had been contacted within the three month period prescribed by the condition. On the basis of advise received a new planning application was submitted for a new vehicular entrance. Unfortunately the planning application was submitted outside of the three month period prescribed in condition No. 5.

An enforcement letter was issued by South Dublin Co. Co. on 14th of August 2015. No work has taken place on site. Yet the planning authority considered the issue of non-compliance with condition no. 5 to be a reason for refusal.

The Board has to regularise this matter again on the subject site. The Board is also requested to grant permission for the proposed extensions. The Planning authority deemed the extensions to be acceptable but then subsequently refused them due to non-compliance with condition no. 5.

There is no intensification of use on the subject site, the bungalow will remain in single family use.

2.2 THE PLANNING AUTHORITY'S RESPONSE

There is nothing further to add to the planning report on file.

3.0 PLANNING HISTORY

Enforcement History

S7636

Section 152 Warning Letter issued regarding non-compliance with Condition No. 5 of **PL06S.243924**. case on-going.

SD14A/0152 (PL06S.243924)

Permission granted on appeal for retention of existing single storey two bedroom dwelling (71sq.m.), attached shed, and alterations to front and rear elevation, along with planning permission for new vehicular entrance with improved sightlines, and to block up existing vehicular entrance and subdivision of site to facilitate the two existing dwellings with new shared vehicular entrance.

SD13A/0135

Permission refused for a single storey dwelling, attached shed and existing entrance as constructed, to subdivide part of the site as per Planning reference S99A/0886. Permission was refused for five reasons:

- i) Contravenes a condition of a previous permission
- ii) Contrary to zoning objective F
- iii) Overlooking, overbearing impact on single storey dwelling
- iv) Traffic hazard
- v) Additional entrance is a traffic hazard at this location.

S99A/0886

Permission granted for existing bungalow to be demolished, and the construction of a new dormer bungalow on the subject site.

4.0 STATUTORY FRAMEWORK

South County Dublin Development Plan 2010-2016

F: To Preserve and provide for Open Space and Recreational Amenities

The site is adjacent to a Longterm roads Proposal along Whitechurch Road which is detailed in Table 2.2.6 of the Development Plan 2010-2016 as '*Whitechurch Road Improvements from Sarah Curran Avenue to Taylor's Lane*'.

The site is the subject of a specific objective on the Development Plan Book of Maps – ‘*To protect and preserve Trees and Woodlands*’.

Section 1.2.29 Corner Site Development

Corner site development refers to subdivision of an existing house curtilage to provide an additional dwelling in existing built up areas.

Section 1.2.30 Policy

Policy H17:-

It is the policy of the Council to favourably consider proposals for the development of corner sites or wide side garden locations within established areas, subject to the following:

1.2.30.i Policy H17: Corner Site Development

- Contemporary design is promoted with a building language that is varied and forward-looking rather than repetitive and retrospective;
- Scale that respects adjoining development;
- Gable walls should not be blank. Buildings should be designed to turn the corner and provide interest and variety to the streetscape;
- Compliance with standards set out in the Plan for both the existing and proposed dwelling;
- Maintenance of existing front building lines and roof lines where appropriate and
- Proximity to piped public services

5.0 ASSESSMENT

- 5.1 The Board should note I prepared the report on the previous appeal associated with the subject site which was for retention of an existing bungalow located to the rear of the main dwelling on the site, and to construct a new vehicular shared entrance. The bungalow existed on the site because the applicant had applied for planning permission sixteen years ago to erect a new dormer bungalow on the subject site and to demolish the existing bungalow. The applicant erected the dormer bungalow but she did not demolish the existing dwelling on site, and

there were effectively two dwellings on the subject site for fifteen years which were not in compliance with the planning permission granted by the planning authority at the time. The Board's decision to grant permission for retention of bungalow under PL06S.243924 regularised the planning status of the dwelling on the site.

- 5.2 In 2014, the planning authority had refused the subdivision of the subject site on that occasion and on previous occasions as outlined in the planning history above. The Board considered there was sufficient residential curtilage to provide for two dwellings on the site having regard to the general residential pattern of development in the area. The Board also considered a new shared entrance with sufficient sightlines would be a planning gain on the site as the existing entrance to the property is severely restricted in terms of traffic turning movements and visibility.
- 5.3 Unfortunately, the applicant did not comply with the terms and conditions of the Board's decision PL06S.243924, which is ironic given that, the application was to regularise the non-compliance with the terms and conditions of the original permission granted fifteen years earlier, S99A/0996.
- 5.4 I have considered the content of the appeal, the Roads Report on file, and I am in agreement with the planning authority's stance in this instance. The applicant has demonstrated a clear disregard for planning conditions, and I do not consider it is appropriate to grant permission to extend the bungalow when there are outstanding non-compliance with conditions on the previous permission. I consider the planning authority, in particular the Roads Section, were correct to anticipate the applicant may extend the dwelling and not provide or improve the entrance based on the planning history of the applicant on the site. The new shared entrance was stressed in my previous report as a vital component to serve both dwellings on the subject site. Now the applicant has proposed to extend the bungalow and the new entrance has not been provided, and there are on-going enforcement issues with the entrance. This is unacceptable, therefore it is recommended the improvements to the entrance be granted permission subject to agreement regarding the sightlines with the planning authority which is the outstanding issue from the previous planning application.
- 5.5 The existing entrance off Sarah Curran Avenue is restrictive and has poor sightlines and is considered to be a traffic hazard. It is imperative the new shared bell-mouth entrance is in place before any further development is permitted on the subject site. Therefore I recommend the proposed extension be omitted from any grant of permission, and the Board's decision should be to solely regularise the issue of the entrance which is currently the subject of enforcement proceedings. In my opinion, this is the approach the applicant should have taken in the first instance. In addition, the entrance should be

provided within twelve months of the decision to grant because there are effectively two dwellings utilising a substandard entrance at the present time.

6.0 RECOMMENDATION

I recommend the Board overturn the planning authority's decision and grant permission for the shared entrance.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site in particular An Bord Pleanála's decision to grant permission for the subdivision of the site and a new vehicular entrance to facilitate two dwellings under reference PL06S.243924, it considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and in consistent with the South Dublin County Development Plan 2010-2016 and 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, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The overall development shall be in accordance with the parent planning permission on the site granted under An Bord Pleanála reference PL06S.243924, except as maybe otherwise be required to comply with the current submission documents.

Reason: In the interest of clarity

3. The proposed extension to the side of the bungalow shall be omitted from this grant of permission. This permission relates solely to the shared entrance.

Reason: In the interests of traffic safety.

4. Details in relation to the following shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development:

(a) Adequate visibility splays at the proposed entrance along Sarah Curran Avenue.

(b) Proposals for the relocation of the existing traffic sign/signpost.

(c) Proposals to drop the kerb fronting the proposed new entrance.

The agreed works shall be implemented in accordance with a timescale specified by the planning authority which shall not exceed twelve months from the date of this decision.

Reason: In the interest of traffic safety

Caryn Coogan

Inspector

09/12/2015