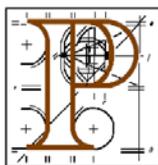


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL 06S.245517

Development: House, conversion of existing house, 2 no. extensions and associated site works.
30A Mountain Park, Tallaght, Dublin 24.

Planning Application

Planning Authority: South Dublin County Council

Planning Authority Reg. Ref.: SD15A/0126

Applicant: Diane O'Neill

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Cecil and Betty Corr
Kevin O'Hara and Others

Type of Appeal: Third Parties v Grant

Observers: None on File

Date of Site Inspection: 6th January 2016

Inspector: Sarah Moran

1.0 SITE LOCATION AND DESCRIPTION

1.1 The site is located in the suburban area of Tallaght, circa 1 km to the south east of Tallaght town centre. It is within the established housing estate of Mountain Park, close to the junction of the Old Bawn Road (R113) with the N81. The site has a stated area of 0.0128 ha and is located on a corner. It is wedge shaped, comprising the side garden of an existing semi-detached house. The site is surrounded by similar houses, including at the immediately adjoining sites to the north and east (30 and 31A Mountain Park respectively). The existing house has been extended to the side such that its façade features additional window bays at first and ground floor levels, however open areas remain to the side and rear. The front and side boundaries are formed by block walls. There is a footpath and a grass verge planted with mature trees between the site frontage and the public road. The site is connected to the public sewer and water supply.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development involves:

- The construction of a new 2 storey, 3 bed house adjoining the side of the existing house at the development site, stated area of 103m². The new house would incorporate part of the eastern side of the existing house, which would be subdivided such that its remaining floor area would be 100m².
- Subdivision of the site to form 2 separate residential units.
- Widening of existing vehicular entrance to form 2 separate entrances to the existing and proposed houses.

2.2 The applicant submitted unsolicited further information to the PA on 14th May 2015, comprising a cover letter and a revised site location map showing the site boundary.

2.3 The applicant submitted further particulars on 7th August 2015, in response to a PA further information request, comprising cover letter; revised site plan indicating site boundary in red and total site boundary in blue; details of proposed boundary treatments, proposed entrance and car parking layout; details of water storage.

3.0 PLANNING HISTORY

3.1 SD02A/0030 PL06S.129309

3.1.1 Permission refused by the PA and by the Board on appeal for the development of a detached 2 storey house in the side garden of the subject site. The Board refusal stated 3 no. reasons relating to injury to residential

amenities by reason of visual intrusion, overlooking and overshadowing; traffic hazard; visual obstruction and infringement of building line.

3.2 SD04A/0344

3.2.1 Permission sought for 2 storey extension to the side of the existing house, to be used as a separate dwelling unit. Refused for reasons relating to contravention of development plan policy due to creation of a terrace; insufficient distance to existing dwelling to rear and adverse impacts on residential amenities of same due to intrusion and overlooking; infringement of existing building line, visual obstruction.

3.3 SD05A/0346 PL06S.213247

3.3.1 Permission sought to demolish part of the existing side extension and to construct a new 2 storey side extension and use the proposed and existing extensions as a 2 bedroom house attached to the side of no. 30A Mountain Park. The PA granted permission. The Board on appeal refused permission for 2 no. reasons relating to infringement of building line to the north-east, visual obstruction; overshadowing and inadequate rear of garden area at existing house 30A Mountain Park.

3.4 SD06B/0844

3.4.1 Permission granted for a single storey extension to the side of the existing house to contain a family flat, temporary ancillary residential accommodation. Condition no. 5 restricted the use of the structure to residential use directly associated with the existing house on the site and prohibited subdivision of the house.

3.5 SD07A/0878

3.5.1 Permission sought for the family flat approved under S06B/0844 to be used as a separate dwelling unit. The application was refused permission for 4 no. reasons relating to contravention of condition no. 5 of SD06B/0844; non-compliance with County Development Plan policy relating to the addition of a new house to the end of a pair of semi-detached houses to create a terrace; substandard internal aggregate bedroom floorspace; undesirable precedent for other similar developments.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

4.1.1 Water Services Report dated 19th June 2015. No objection subject to conditions.

- 4.1.2 Irish Water submission to PA dated 19th June 2016. No objection subject to conditions.
- 4.1.3 Roads Department dated 10th June 2016. No objection subject to conditions. Additional Information report dated 17th August 2015. Additional details acceptable subject to issues which can be dealt with by condition.
- 4.1.4 Planning Report dated 23rd June 2016 recommends additional information request. Additional planning report dated 2nd September 2015 notes further particulars submitted. The proposal is considered generally acceptable and the report recommends permission subject to conditions.

4.2 Third Party Submissions

- 4.2.1 I note that several third party submissions were submitted by or on behalf of local residents, which object to the proposal on grounds relating to:
- Failure to address the reasons for previous refusals at the site.
 - Excessive additional development in a built up area.
 - Devaluation of adjoining property.
 - Traffic hazard at entrance due to its location on a bend.
 - Failure to comply with existing building line and visual impact.

4.3 Planning Authority Decision

- 4.3.1 The PA requested further information on 24th June 2015 in relation to:
- Revised drawings such that all proposed works are within the red site boundary;
 - Details of boundary treatments;
 - Revised vehicular entrance and car parking layout to be prepared in consultation with the Roads Department of the PA;
 - Details of water storage.
- 4.3.2 The PA issued notification of a decision to grant permission on 3rd September 2015, subject to 13 no. conditions. Condition no. 2 required the submission of further details regarding the vehicular entrance and front boundary. The remaining conditions imposed are considered standard for this type of development.

5.0 GROUNDS OF THIRD PARTY APPEALS

- 5.1 The third party appeals have been submitted by a group of local residents and by the residents of no. 31A Mountain Park, the adjoining residential property to the immediate north of the development site. As both appeals have a very similar wording and format, they may be summarised jointly as follows:

- The site is located on a bend in a busy residential estate. The road is used for on-street parking, which makes access difficult. The development would exacerbate this situation and result in a traffic hazard.
- The proposal would result in excessive over development of a built up area.
- Obstruction of existing building line as the site is located on a bend.
- Contravention of previous refusals for similar developments at this site, ref. SD04A/0344 and SD05A/0346, PL06S.213247. The current proposal fails to address these refusal reasons.

6.0 RESPONSE OF PLANNING AUTHORITY

6.1 The PA confirms its decision. It is submitted that the issues raised in the grounds of appeal have been covered in the planning report.

7.0 RESPONSE OF APPLICANT

7.1 The main points made may be summarised as follows:

- It is proposed to use the existing entrance to serve both houses. The development would generate little additional traffic. The existing road has served the area without the need for traffic management facilities. The Roads Department of the PA has no objection to the scheme.
- The development complies with Development Plan requirements for corner site development.
- The development complies with Development Plan policy H17 regarding the building line. The rear building line of the proposal aligns at an oblique angle with the rear building line of the existing dwelling. The front building line aligns with the houses to the rear, nos. 31A – 40 Mountain Park.
- The previous applications were to cater for family needs at that time. The proposed development complies with current County Development Plan policy and guidelines. The development would provide accommodation for family members of the applicant.

7.0 POLICY CONTEXT

7.1 The site has the zoning objective 'A', '*To protect and/or improve residential amenity*' under the current South Dublin County Development Plan 2010-2016.

7.2 Section 1.2.29 of the plan sets out policy on corner site development. Policy H17: Corner Site Development states:

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:

- *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.*

7.3 Other standards for residential development set out in section 1.4 of the development plan, *Sustainable Neighbourhoods*.

7.4 Table 2.2.4 of the Development Plan sets out standards for car parking, such that 1-2 spaces are required for residential development.

8.0 ASSESSMENT

8.1 The following are the issues considered relevant in this case:

- Design, Layout and Visual Impact
- Impacts on Residential Amenities
- Access and Parking
- Other Issues

These may be considered separately as follows.

8.1 Design, Layout and Visual Impact

8.1.1 The proposed development involves constructing a new 2 storey extension to the side of the existing house, projecting c. 3.5 m from the existing side elevation. It would be set back c. 1m from the front of the existing house. The roof profile and finishes match the existing. The overall appearance is that of a relatively modest extension to the existing house. The side elevation would not project beyond the front of No. 31A Mountain Park, the house on the other side of the corner, to the immediate east. The site elevation is blank and has not been designed to address the street. It is considered overall, however, that the design is in keeping with the character of the area. The development would not infringe the existing building line and would not have a significant adverse visual impacts.

8.1.2 I note previous refusals on this site in relation to the creation of a terraced appearance due to the addition of a house to the end of an existing semi-detached pair. In particular, the Board refusal of a similar scheme, ref. PL06S.213247, relates to this issue. There does not appear to be any policy under the current County Development Plan that prohibits this type of development.

- 8.1.3 The document *Quality Housing for Sustainable Communities – Best Practice Guidelines*, DoEHLG, 2007 provides guidance on internal floor layouts. Table 5.1 sets out typical standards for space, provision and room sizes for typical dwellings and the proposed and existing houses are generally in accordance with these standards including a minimum gross floor area of 92 sq.m.
- 8.1.4 Development Plan policy SN25 and Table 1.4.2 require a minimum private open space provision of 60 sq.m. for 3 bedroom houses. The private open spaces to the site and rear of the existing and proposed houses exceed this requirement. I note that there is already a high block wall around the existing side garden, such that it is well screened from the public realm.
- 8.1.5 To conclude, I consider that the proposed design and layout have an acceptable appearance and do not detract from the visual amenities of the area. In addition, they provide a satisfactory standard of residential accommodation with regard to development plan policy and to the standards provided in the DoEHLG guidance.

8.2 Impacts on Residential Amenities

- 8.2.1 The concerns stated in the third party appeal and the submissions on file are noted. The proposed dwelling does not extend beyond the established building line to the north and therefore would not result in any additional overshadowing. A first floor window in the rear elevation is set back c. 7m from the side of no. 31A Mountain Park. This could be relocated to the side elevation of the proposed house if the Board is minded to grant permission, in order to prevent any additional overlooking to the rear. The proposed additional structure is modest and in keeping with the appearance of the existing house. It would not be visually overbearing when viewed from adjacent residential properties. To conclude, it is considered that the development would not have any adverse impact on residential amenities by way of overlooking, overshadowing or visual obtrusion.

8.3 Access and Parking

- 8.3.1 A revised access and parking layout was submitted in response to a further information request by the PA. The revised layout indicates the retention of the existing vehicular entrance, to serve a communal car parking area with 3 no. parking spaces. This is in accordance with the parking standards for residential development set out in Table 2.2.4 of the development plan and is acceptable. The proposed development would not generate a significant amount of additional traffic and therefore would not create a traffic hazard.

8.4 Other Issues

8.4.1 Condition no. 13 of the PA decision requires financial contributions in accordance with the current Development Contribution Scheme, no special development contributions are required.

8.4.2 Having regard to the nature and scale of the development within a fully serviced suburban location, 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.

9.0 CONCLUSION AND RECOMMENDATION

In conclusion, I do not consider that the proposed development will adversely impact on the residential amenities of adjoining property, would not adversely affect the character of the area and would not set an undesirable precedent for similar type development. I therefore recommend that planning permission be granted for the proposed development for the following reasons and considerations subject to the conditions.

REASONS AND CONSIDERATIONS

Having regard to the residential land use zoning for the area, the objective for which is to protect and provide for residential uses, to the size and configuration of the site, to the pattern of development in the area and to the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

3. The first floor window opening in the rear elevation serving the bedroom in the proposed two storey extension shall be relocated to the side elevation facing the street. Revised plans with the necessary alterations shown thereon shall be submitted for the written agreement of the planning authority prior to commencement of development

Reason: In the interest of preserving the amenities of the adjoining property to the east.

4. Drainage arrangements, including the 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 and to ensure a proper standard of development.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Sarah Moran,
Senior Planning Inspector
13th January 2016.