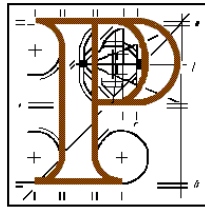


# An Bord Pleanála



## Inspector's Report

**PL06D.245742**

**DEVELOPMENT:-** Permission sought for demolition of warehouse/showroom unit and shed structures and construction of 3 no. houses at Meadowbrook Mews, Meadowbrook Lodge, Dundrum, Co. Dublin.

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire Rathdown County Council  
**Planning Authority Reg. No:** D15A/0529  
**Applicant:** Raglan Properties  
**Application Type:** Permission  
**Planning Authority Decision:** Grant

### APPEAL

**Appellant:** Catherine O'Keefe Prunty  
**Type of Appeal:** 3rd-V-Grant

**DATE OF SITE INSPECTION:** 04th February 2016

**Inspector:** Colin McBride

## 1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 0.107 hectares, is located to the west of Dundrum Town Centre. The site is located off Ballinteer Road but also has road frontage on Ailesbury Grove to the west. The site is occupied by an existing single-storey warehouse/commercial development that is located on the western half of the site and backs onto the road serving Ailesbury Grove. In addition to the warehouse building there is a shed located adjacent the southern boundary and a two-storey dwelling located along the northern boundary adjacent the vehicular entrance. The two-storey structure is Meadowbrook Mews and is an old gate lodge that has been refurbished in recent years. To the north of the site are two-storey dwellings fronting Ballinteer Road and Ailesbury Road. To the south is Meadowbrook House, which is a two-storey dwelling that is on the record of protected structures (RPS No. 1370). Existing site boundaries consist of stone walls along the north, south and eastern boundaries with the western boundary defined by the back wall of the existing warehouse structure on site.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of a single-storey warehouse/showroom unit to the rear and a single-storey shed structure to the front of the site and the construction of 3 no. dwellings consisting of 1 no. three bed detached two-storey dwelling accessed from Ailesbury Grove and 1 no. three bed and 1 no. 4 bed detached two-storey dwellings accessed via the existing site entrance from Ballinteer Road. Each house will be served by two dedicated car parking spaces, plus the realignment of the single car parking space serving the existing Meadowbrook Lodge (granted under D99B/113), as well as associated landscape and site development works.

## 3. LOCAL AND EXTERNAL AUTHORITY REPORTS

### 3.1

- (a) Water Services (14/09/15): No objection subject to conditions.
- (b) Irish Water (15/09/15): No objection subject to conditions.
- (c) Transportation Planning (28/09/15): No objection subject to conditions.
- (d) Planning Report (14/10/15): The proposal was considered satisfactory in terms of overall design and scale, impact on the visual amenities of the area and in the context of its location relative to a protected structure. The proposal was considered acceptable in the context of Development Plan standards and traffic safety. A grant of permission was recommended subject to the conditions outlined below.

#### 4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 16 conditions. Of note are the following conditions....

Condition no. 2: Front boundary treatment for House Type C to be agreed.

#### 5. PLANNING HISTORY

- 5.1 D15A/0175: Permission refused for 4 no. dwellings. Refused to proximity to a protected structure and subsequent impact on the setting of such. Also refused due to failure to comply with parking standards under the County Development Plan.
- 5.2 D07A/1232: Permission for demolition of two warehouse units and construction of one warehouse unit. Refused due to being a non-conforming use in the zoning objective, adverse impact on adjoining residential amenity, visually obtrusive impact and inadequate sight lines at the vehicular entrance.
- 5.3 D99B/1133: Permission granted for refurbishment and two-storey extension of Meadowbrook Lodge.

#### 6. PLANNING POLICY

- 6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2010-2016. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity".
- 6.2 The site adjoins a protected structure, Meadowbrook House (RPS NO. 1370).
- 6.3 Policy RES 3: Residential Density.  
It is Council policy to generally promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following guidelines:
- > Sustainable Residential Development in Urban Areas (DoEHLG 2009)
  - > Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
  - > Quality Housing for Sustainable Communities (DoEHLG 2007)

## 7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Catherine O'Keefe Prunty, Meadowbrook House, Ballinteer Road, Dundrum, Dublin. The grounds of appeal are as follows...

- It is noted that the site was part of the historic curtilage of Meadowbrook House (protected structure) and that the existing lodge and walls should have protected status. The appellant notes that the Planning Authority failed to adequately assess the proposal in the context of its location in the historic curtilage of a protected structure.
- The scale and proximity House Type C to Meadowbrook House would impact adversely on residential amenity, would be too high in the context of its location adjacent the coachhouse part of the curtilage of Meadowbrook House.
- It is noted that House Type C is unworkable in regards to road layout with existing metered parking obscuring visibility.
- It is noted that rear gardens depths of House Type A and B are inadequate in the context of Development Plan policy.

## 8. RESPONSE

8.1 Response by Dun Laoghaire Rathdown County Council.

- No further comment to make.

8.2 Response by Marston Planning Consultancy on behalf of Raglan Properties.

- The applicant notes the historical background to the site and the historical maps for the area. The applicants note that the site is not currently within the curtilage of the protected structure and question the relationship between the site and Meadowbrook House as detailed on the historic maps.
- The applicant highlights the residential zoning of the site and its proximity to Dundrum town centre and public transport infrastructure.
- It is considered that the proposed development has adequate regard to the amenities of adjoining properties, the visual amenities of the area and has no adverse impact on the setting or character of a protected structure.
- The applicants specifically outlines that House Type C would not result in adverse impact on the residential amenities of the appellants property.
- It is noted that visibility along Ailesbury Grove is satisfactory and there are no car parking spaces immediately adjacent the proposed vehicular entrance (double yellow lines).

- The proposal is compliant with Development Plan standards in regards to separation distances and private open space provisions.

### 8.3 Submission by the Development Applications Unit.

- The DAU recommend that any infill development permitted on the site should have regard to two main constraints, the need to avoid undue closeness to the protected structure and regard to the layout of the modern housing to the north, in this regard it is recommend that the middle of the site be kept clear of development and landscaped appropriately.

## 9. ASSESSMENT

### 9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/development plan policy

Residential amenity

Visual Impact/protected structure

Traffic

Other issues

### 9.2 **Principle of the proposed development/development plan policy:**

9.2.1 The proposal is to demolish an existing warehouse/commercial development and construct three dwellings and associated site works. The site is zoned 'Objective A' with a stated objective "to protect and/or improve residential amenity". The proposed use is consistent with the zoning objective and would be consistent with Policy RES3. In terms of density the proposal entails the provision of three dwellings in addition to an existing dwelling on site (Meadowbrook Lodge). This gives a density of just under 40 units per hectare. I would consider that given the context of the site as an infill site and its proximity to Dundrum town centre and public transport infrastructure that the density is acceptable subject to an adequate level of residential amenity for the future occupants and adequate regard to the amenities of adjoining property.

9.2.2 In regards to development control standard the proposal is for three two-storey detached (1 no. four bed and 2 no. three bed dwellings) each dwelling has a rear garden/private amenity space. Each dwelling is provided with in excess of the standard of 60sqm required under Development Plan policy for 3/4/5 bed dwellings. It is notable that Meadowbrook Lodge has existing rear amenity space and is to be unaltered by this proposal. The configuration of the dwellings entails the provision of a dwelling fronting Ballinteer Road (House Type A), a dwelling located in the centre of the site (House Type B)

with an east west orientation and a dwelling fronting Ailesbury Grove (House Type C) that is back to back with House Type B. In regards to separation distances the requirement for 22m between first floor opposing windows is being provided. Rear garden depths are not 11m however given the fact that the rear amenity space for House Type B and C is 85m and 25m in excess of required minimum standard, I am satisfied that the level and configuration of private amenity space is satisfactory.

9.2.3 In regards to off-street car parking House Type C has a dedicated front garden with space for at least two off-street car parking spaces. In the case of House Type A and B there is a communal parking area with access from Ballinteer Road. Four car parking spaces are being provided in this area to serve House A and B. In addition there is an existing car parking space that is being reconfigured that serves Meadowbrook Lodge and is located immediate to the rear of the existing property. The minimum requirement under Table 16.3 of the County Development Plan is two spaces for three bed plus dwellings. I am satisfied that the proposal development is compliant with the relevant development control standards set down under the County Development Plan.

### **9.3 Residential Amenity:**

9.3.1 The proposed development is residential in nature and replaces a commercial use on site. The site is located in a residential suburban area with uses on the adjoining sites to the north and south residential in nature. House Type A is to be located right on the road frontage of the site and is a two-storey dwelling. The dwelling is to conform to the building line of the existing dwelling to the north on site (Meadowbrook Lodge) with a dwelling to be located on either side of the vehicular entrance. To the south is Meadowbrook House, which is a larger period detached dwelling with a large front garden area that is located to south of House Type A. I am satisfied that the scale of House Type taken in conjunction with the existing boundary treatment would have no adverse impact on the residential amenities of Meadowbrook House.

9.3.2 House Type B is located in the centre of the site and is a two-storey detached dwelling with its windows orientated east and west. To the north of the site are the existing two-storey dwellings that front onto Ballinteer Road and two-storey dwellings that front onto Ailesbury Grove. Although the dwelling is located away from established building line in the centre of the site, I am satisfied that the overall design and scale in the context of adjoining dwellings is satisfactory and that the orientation of such would not be detrimental to adjoining residential amenity given the location of such in an established residential built up area. House Type B has regard to the pattern of development to the south in that it is located along a similar building line as Meadowbrook House. It is notable that Meadowbrook House does have a

lean to extension to the side on the southern boundary of the site with high level windows. I am satisfied that the proposal would not have an adverse impact in regards to the extension given that windows serving this extension are high level and the amenities of the adjoining dwelling are not solely reliant on such windows.

9.3.3 House Type C is located to the west of the site and fronts onto Ailesbury Road. In regards to impact on adjoining amenities, the proposal conforms to the established building line and pattern of development at this location set by the existing two-storey dwelling to the north along Ailesbury Grove. There is also an existing dwelling to the south that appears to be an extended coach house that is a two-storey dwelling and was or is currently part of the curtilage of Meadowbrook House. I am satisfied that the overall design and scale of House Type C is in keeping with the existing development on adjoining sites and that the proposal would have no adverse impact on the residential amenities of adjoining properties. In regards to the appellants specific concerns regarding House Type C, I would note that the site and the appellants property is located in an established built up residential area and that the development proposal provides for a scale and pattern of development consistent with such an area and as such would have no unacceptable impact in regards to either overlooking, overshadowing or a generally overbearing impact.

#### **9.4 Visual Impact/protected structure:**

9.4.1 One of the main issues raised by the appellant relates to its relationship with a protected structure and its location within the historic curtilage of such. The appellant has noted that the existing building on site (Meadowbrook Lodge) and walls on site should in themselves be a protected structure and the proposal should not be permitted on the basis of its impact within the curtilage of a protected structure and impact on the character and setting of a protected structure. The current situation with the site is that it is not within the curtilage of a protected structure, being physically separate from the existing curtilage of Meadowbrook House and being in separate ownership. No structures on the appeal site are on the Record of Protected Structures and the proposal does not entail the alteration or demolition of any protected structures. The historical maps indicate that the site was a laneway running east west with Meadowbrook Lodge at its entrance and access to Meadowbrook House from the laneway to the south as well the existing access from the east. The appellant notes that the walls of the laneway and existing lodge are intact and should be protected. I would note that proposal entails no alterations to the side walls of the site (northern and southern boundary) and no changes to the existing lodge, which has been refurbished in recent years. The only significant demolition relates to the single-storey warehouse structure on site, a single-storey shed and the front boundary wall. The demolition of the

warehouse and shed it is of no significance as these are later structures of no architectural heritage value. The front boundary wall based on historical maps is also a later addition.

9.4.2 In terms of impact on the curtilage of a protected structure it would appear that the site is part of the historical curtilage or at the very least part of the attendant grounds of Meadowbrook House. As noted above the site was a wide laneway with a lodge building on the north side of its entrance. Notwithstanding such fact this historic curtilage has been altered significantly with the area becoming significantly built up and the laneway through the site no longer existing. The current configuration of the site is significantly altered from the historical arrangement and I would consider that the extent of proposals are entirely reasonable in their scale and design and also replace a non-conforming use in this zoning in favour of a use that is consistent with the land use zoning. I am satisfied that the layout and scale of development is acceptable in the context of its location within the historical curtilage of a protected structure. I am satisfied that were it to be the case that the site in its current configuration was within the existing curtilage of the protected structure, that the layout and scale of development would be satisfactory.

9.4.3 In relation of overall visual impact and impact on the character and setting of a protected structure, the proposal provides for three two-storey dwellings, one located on the Ballinteer Road (House Type A), one in the centre of the site (House Type B) and one fronting Ailesbury Grove (House Type C). The two-storey scale of the dwelling fronting Ballinteer Road is consistent with the scale of the existing dwelling on site (Meadowbrook Lodge) and would be acceptable in regards to visual amenity. The scale, design and location of this dwelling would also be acceptable in regards to the setting and character of the adjoining protected structure. The dwelling fronting Ailesbury Grove is consistent with the established pattern of development and scale of development along the public road. This dwelling would also be acceptable in the context of the visual amenities of the area and the character and setting of a protected structure. The Development Applications Unit recommended that the dwelling in the centre of the site be omitted due to proximity to the adjoining protected structure. In relation to the visual amenity of the area, House Type B is not highly visible or prominent in the surrounding area as it is located behind House Type A and C in the centre of the site and away from the public road frontage so the site. In relation to impact on the character and setting of the adjoining protected structure and having regard to the information on file and site inspection, I would consider that the location and scale of House Type B relative to Meadowbrook House is satisfactory. The proposed dwelling is subordinate to the adjoining protected structure. In terms of impact on the setting of the protected structure I would consider that the proposal has no significant or adverse impact on such and does not alter the



setting of the structure dramatically over the existing pattern of development on site. The area surrounding Meadowbrook House including the appeal site is significantly built up with the wider historic curtilage and attendant grounds significantly changed. I am satisfied that based on the design, scale and layout of development, that the proposal would have no adverse impact on the character and setting of a protected structure and would disagree with the Development Applications Unit's recommendation. I would also note that omission of House Type B would mean a less than efficient use of zoned and serviced lands.

## **9.5 Traffic:**

- 9.5.1 The proposal entails two vehicular access points. House Type A, B and the existing Meadowbrook Lodge are accessed from Ballinteer Road, where there is an existing vehicular access to the site. The proposal entails the provision of a new vehicular access off the Ailesbury Grove frontage to serve House Type C. The vehicular access from Ballinteer Road is established and already serves a dwelling and a commercial development. I would consider that the proposal for three dwellings to replace an existing commercial development with two of new dwellings served by the existing access, to be unlikely entail any increase in traffic levels. Notwithstanding such, I am satisfied that the level of visibility at the vehicular entrances would be acceptable with the alignment of the public road at this location facilitating sightlines in accordance with the recommendation of the Design Manual for Urban Streets and Roads.
- 9.5.2 The new vehicular access serving House Type C is off Ailesbury Grove, which is residential distributor road serving existing residential development with proposal providing for a new dwelling off such. In terms of traffic levels the proposal would entail no significant increase in traffic onto the existing road, which as noted is an established residential distributor road. In regards to sightlines I am satisfied that such are more than sufficient to cater for the associated traffic movements without resulting in a traffic hazard. I also do not concur with the appellants views that cars parked along Ailesbury Grove in designated on street car parking spaces would impact on visibility and would note such is not an uncommon phenomenon in residential areas. In addition the access is located on the outer edge of a bend and improves visibility even in situations where there are cars parked along the footpath.
- 9.5.3 As noted earlier the proposal is fully compliant with the minimum standards for off-street car parking as set down under the County Development Plan. I am satisfied that the proposal as submitted would be acceptable in the context of traffic safety and convenience.

## **9.6 Other Issues:**

9.6.1 Having regard to the nature and scale of the proposed development and its proximity 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.

### RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

### REASONS AND CONSIDERATIONS

Having regard the location of the site on residentially zoned lands in the Dun Laoghaire Rathdown County Development Plan, to the design, scale and layout of the development and to the pattern of development in the vicinity of the site, 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, would have no adverse impact on the character and setting of a protected structure 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, 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. 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.

3. 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.

4. 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.

5. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

7. 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.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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.

9. 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 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 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.

Colin McBride  
08th February 2016