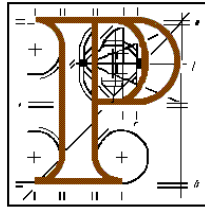


An Bord Pleanála



Inspector's Report

PL06D.246001

DEVELOPMENT: - Detached three storey house accessed from existing vehicular entrance in side garden of 15 Trees Avenue, Stillorgan, Co. Dublin

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No.: D15A/0582
Applicant: Dr John McMahon
Application Type: Permission
Planning Authority Decision: Grant Permission

APPEAL

Appellant: Joseph O'Connor and Cliona Farrell
Type of Appeal: Third v Grant
Observers: None

DATE OF SITE INSPECTION: 31st March 2016

INSPECTOR: Mairead Kenny

1.0 SITE LOCATION AND DESCRIPTION

The site comprises the side garden of a detached three storey residence at 15 Trees Road in Stillorgan. No. 15 is at the end of a short cul de sac of detached two-storey houses. The street slopes downwards towards the end of a cul de sac and is also curved. The house types vary in terms of roof design, external finishes and fenestration. A degree of uniformity along the street is achieved by the two-storey height and the frequent use of brown roof tiles and brick and render detailing. Some houses are devoid of such finishes containing for example only render finishes. All houses would be described as conventional in style but there is a variation in size and detailing.

The houses in the immediate vicinity of the site were built with attached garages, a large number of which have been converted into residential use. Some of the dwellinghouses have enlarged the original driveway to provide parking for two or three cars in the front garden. The cul de sac is terminated by a turning circle. There are no street markings and parking is not subject of a management scheme or controls. To the north of the site are a number of community facilities. These include a church and school. The church and school are positioned to the north-west of the turning circle. Immediately to the north of the site an area is laid out as a court for ball games. The level of the site is higher than the sports facility.

During the course of my inspection of the site and surrounding area, which took place over 30 minutes, 4 no. cars were parked on Trees Avenue by motorists who then walked towards the community facilities. I assume that the main reason for parking was to visit the church as schools were closed on the day of my inspection.

The 0.0308 hectare plot is taken from a larger land holding of stated area of 0.0953 hectares. The site was formerly laid out as a car parking / turning area which was constructed to serve a crèche which is no longer in operation. The ground appears to have been recently subject of some construction works.

The existing house comprises a three storey house at the rear but it reads as a two storey house from the front. The third storey is contained in an extension excavated below the finished level of the site and below the street level. The existing residential development contains large glazed elements to the rear and side but the front façade has a more traditional suburban fenestration.

There are two units within the existing building at 15 Trees Avenue as evidenced by the two doorbells at the front door. The planning record available indicates that the lower level apartment (formerly a crèche) is 80 square metres in area and that the total area of the building at 15 Trees Avenue is 329 square metres. The existing

vehicular entrance to no. 15 is contained within the site of the proposed development and at the main house there is a second vehicular entrance which leads onto a tarmac covered front garden.

Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 PROPOSED DEVELOPMENT

Permission is sought for:

- a three storey dwellinghouse of 180 square metres
- private open space provision including rear garden of over 12m
- parking for two spaces to the front of the house with over 10m front garden depth
- boundary wall between the existing and proposed residential sites
- roof height of the proposed house is 145mm below that of the existing house
- development involves changes to ground level
- external stairs from first floor living accommodation provides access to garden
- external finishes include a slate/zinc roof, large glazed feature wall at first floor rear , glazed element at second floor rear to light a void and mezzanine
- at the front fenestration comprises a high level window to the part-sunken ground floor bedroom, a conventional window lighting the first floor kitchen and a dormer style which lights a void over the kitchen space – the parapet level glazing which lights the mezzanine level is visible from the front also as is a full height vertical glazed strip.

Images of the original proposal were submitted to the Planning Authority on 11th September 2015.

A balcony which was contained in the original submission was omitted in revised drawings received by the Planning Authority on 10th November 2015.

3.0 PLANNING HISTORY

Under PL07D.222510 the Board upheld the decision of the Planning Authority under Planning Reg. Ref. D06A/1977 to grant permission for an extension to contain a crèche, for a drop-off point and re-opening of a vehicular entrance at 15 Trees Avenue.

Condition 3 stated that when no longer required for use as a crèche the use shall revert to use as part of the main house. Condition 5 refers to the design of the drop-off area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The planners report referenced Policy RES 3 and RES4 and section 16.3.4(v) of the development plan. The development was not considered to be 'so visually incongruous so as to be considered acceptable'. The design is very different from the existing type of dwellings in the area. The dwelling is set back from the existing building line with a line of mature trees and has a very high ridge height but is not overly oppressive. The height is consistent with no. 15. The contemporary design is acceptable at this location and the development would not adversely affect the streetscape. The provision of one additional dwelling will not result in significant additional traffic / parking. The external staircase is acceptable. The revised design decreases the mass of the house and the alterations are positive in terms of reducing the impact on the street.

The final report of the transportation and Water Services indicates no objection. A report from Irish Water indicated requirements relating to foul effluent.

5 no. written submissions were received.

The applicant's response to a request for additional information set out revisions relating to surface water drainage, house design and balcony.

4.2 Planning Authority Decision

The Planning Authority decided to grant permission subject to standard conditions.

5.0 GROUNDS OF APPEAL / OBSERVATIONS

5.1 Grounds of Appeal

The main points of the appeal are:

- visually incongruous in context of two-storey houses at Trees Avenue and because of scale, design and external finishes including substantial amount of glazing
- section 16.3.4 requires that compact houses such as this one should closely relate to existing houses in terms of design
- inadequate and inaccessible parking remaining at existing house
- existing dwelling comprises a main residence (4 bed unit) and granny flat (2 bed unit)
- would result in further on-street parking on a road that is substandard and congested
- permitted crèche permission remains in place and requires drop-off
- enclosed letters of objection which refer *inter alia* to need to protect turning circle, height, level of development on combined sites, extant

permission for crèche, emergency access and construction phase disturbance.

5.2 Observations

None.

6.0 RESPONSES

6.1 Planning Authority response

The construction of the house would remove a drop-off area which was required as part of the crèche permission and that permission would be superseded.

6.2 First party response

The reduced car movements compared with the crèche is noted. The development which might be viewed as unfamiliar will in time be considered a planning gain and perhaps of visual interest.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2016-2022 was recently adopted.

The following are relevant policies and standards:

- houses in side gardens will be considered in accordance with a range of criteria set out in section 8.2.3.4(v) including parking for existing proposed houses and in terms of design a level of visual harmony but on larger corner sites there may be more scope for variation in design
- in certain areas a modern design response may be more appropriate in order to avoid a pastiche development
- side gable walls facing corners are not acceptable
- parking for residential development is addressed in section 8.2.4.5 and and Table 8.2.3.

8.0 ASSESSMENT

I consider that the main issues in this appeal relate to the design of the proposed house and the parking proposals.

Design

The house would be of lesser height and mass than the existing house on site. I consider that the recessed building line and the position of the house at the end of the street are material considerations and in this context a modern design approach is acceptable. The site context includes open spaces to the north and larger institutional buildings. A modern building terminating the

street at this point is acceptable in my opinion particularly when it is considered that the street already lacks total uniformity.

A blank gable wall faces onto the public area to the north. Such elements are generally prohibited in the development plan policy for corner sites. I consider that the side wall has an interesting shape and that its profile would add interest to the area. The side wall is large and high but in my opinion is not unacceptable.

The large amount of glazing which has been referenced in the appeal does not result in overlooking due to the separation distances from the site boundaries. When viewed from the front I do not agree that it is visually intrusive. The front façade is composed of a range of materials including render, slate / zinc and glass and subject to agreement with the Planning Authority on the detail of these finishes I consider that the design is acceptable and conforms to policy provisions.

I have one reservation regarding the detail of the development proposed and that relates to the scant level of information provided in relation to ground levels and the lack of sections through the existing residential property. As the latter is in the ownership of the applicant and does not affect third parties, I consider that this matter does not warrant further information. If permission is granted a condition relating to boundary walls, including to the north of the site is appropriate. Walls should be rendered on both sides and in the interest of clarity the height of any walls should be specified relative to the lower ground.

Parking

I note that the congested nature of the street at times of school opening and closing in particular is raised in many of the third party submissions and I accept those statements. Nevertheless I am not convinced that a refusal of permission for this reason is warranted as the street is already suffering congestion for these short durations. It could reasonably be argued in such congested times that an additional dwellinghouse would not generate sufficient additional parking as to make a difference to congestion.

A more significant matter in my opinion is the requirements of the Planning Authority in terms of provision of parking for houses on corner sites. The criteria to be considered include the provision of parking for the existing and proposed houses. In this regard as outlined below, I consider that there is evidence to suggest that the proposal is grossly deficient and constitutes over-development.

I note the narrow nature of Trees Avenue. I estimate that the existing house would generate a parking requirement of at least three spaces, based on development plan standards. I agree with the third party submissions that the space to the front of the house may be very difficult to access. My conclusion is that the requirement to provide adequate parking for the existing house is not met.

The applicant's response has not addressed this matter other than in the context of the crèche use – I agree with the Planning Authority that permission would be superseded by a grant of permission for the house. However, I also note that the former crèche would have been appropriately served by the provision on site for staff parking and the drop-off point for parents / guardians. The reports of the Planning Authority staff do not address the matter of parking to serve the existing house. The wording of the development plan policy under the recently adopted plan is more explicit in terms of the consideration of parking when assessing corner or side gardens.

In terms of the policy provisions the circumstances for reducing the parking requirement include proximity to public transport. The proximity of the site to the Stillorgan Road QBC is a mitigation factor in this case. There is also provision under the development plan for car-free housing on suitable small scale sites which have very high levels of public transport and convenient and safe access to shops and community facilities. There is a parade of shops at Deerpark Road, which is within easy walking distance. The Board may wish to consider the policy provisions of section 8.2.4.5 in the context of the nature of the area including the public transport and accessibility of services.

In my opinion the development proposed does not comply with the provisions of the development plan. I do not consider that the relaxations set out in the adopted plan were intended to be applied to a low density area such as that in which the site is located. While car usage may be reduced by the availability of a QBC and local shops, it is not realistic to expect that the occupiers of the existing house and apartment would not own cars.

I do not consider that there are special circumstances in this case to justify a departure from the parking standards in the current development plan. There is now an explicit requirement to consider parking for the existing as well as proposed houses and I recommend that permission be refused in this context having regard also to the narrow nature of the street.

Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9.0 RECOMMENDATION

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Under the provisions of section 8.3.2.4(v) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the provision of a new house in the curtilage of an existing house shall be considered having regard to parameters including car parking for the existing and proposed dwellings.

It is considered that the proposals for parking to serve the existing residential building are seriously deficient and that there are no special circumstances to justify a departure from the parking standards set down in Table 8.2.3 of the development plan.

The proposed development would therefore give rise to significant overspill of parking onto the narrow street and would represent significant overdevelopment of the overall land holding. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector
1st April 2016