

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246044

Development: Extension of existing house and new house and vehicular entrance to the side.

Location: 58 Beaumont Avenue, Churchtown, Dublin 14.

Planning Application

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.: D15A/0573

Applicant: Beaumont Partnership

Planning Authority Decision: Grant permission

Planning Appeal

Appellants: Claire Kearney & Peter Fellow-McCully

Type of Appeal: Third party

Observers

(1) Frank Fitzgerald (2) Peter Cleary

Date of Site Inspection: 15/4/16

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

1.0.1 The site of the proposed development is located at no. 58 Beaumont Avenue, Churchtown, Dublin 14. It lies on the western side of the Beaumont Avenue which links Churchtown Road and Barton Road East. Beaumont Avenue is predominantly residential. The house types mainly comprise single-storey detached cottages.

1.0.2 The site has a stated area of 0.725 hectares and contains a detached single storey dwelling. The northern site boundary adjoins the side boundary of no. 56 Beaumont Avenue. The eastern roadside boundary addresses Beaumont Avenue. The southern site boundary adjoins Orchard Way a cul-de-sac which is circa 4m in width and which runs for 95m. Orchard Way provides access to a small office building, a motor repair business and a dwelling immediately to the west of the site.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the extension of the existing house and the construction of a new house and vehicular entrance. Features of scheme include;

- Site area – 0.725 hectares,
- Area of proposed dwelling – 138sq m.
- Ridge height of new dwelling – 5.88m

3.0 PLANNING HISTORY

D15A/0284 – Permission was refused for extensions to the existing bungalow, to include demolition of garage to rear and construction of new detached 4 bedroom dormer type bungalow on the site to the rear off Orchard Way, relocating vehicular access and raising height of boundary wall on Orchard Way. Permission was refused for three reasons. The first reason states that the proposed development would seriously injure the residential amenity and depreciate the value of this adjoining property, by reason of overbearing impact, visual dominance and loss of amenity. The second reasons states that it would result in the overdevelopment of the site by reason of the

proposed poor standard of private open space for its future occupants and for a dwelling of this size. The third reasons states that size and design of the proposed house would be visually incongruous and would be out of character with the pattern of development in the area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Transportation Planning: No objections subject to conditions.

Water and Environmental Services: No objections subject to conditions.

External Reports:

Irish Water: No objections subject to conditions.

Submissions

The Planning Authority received three submissions in relation to the planning application. The issues raised are similar to those set out in the appeal and observations.

4.2 Planning Authority Decision

Following the submission of further information the Planning Authority granted permission subject to 13 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Claire Kearney & Peter Fellows-McCully on the 19th of January 2016. The content of the appeal submission can be summarised as follows;

- The proposed development of a four bedroom dwelling represents over development of the site. There is inadequate private open space provided.
- Two new vehicular entrances are proposed onto Orchard Way. Orchard Way is a narrow private road where two vehicles cannot pass.
- Under Reg. Ref. D15A/0611 permission was refused for the demolition and replacement of the existing detached single dwelling at no. 95 Beaumont

Avenue. Permission was refused on the basis that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users given the proximity of the proposed vehicular access to the junction of Beaumont Avenue and Weston Avenue.

- It is noted that the proposed vehicular entrance to no. 95 Beaumont Avenue is 7m from the junction with Beaumont Avenue. The proposed new entrance for no. 58 Beaumont Avenue is 4m from the junction between Orchard Way and Beaumont Avenue.
- It is noted that 4 no. private residences use Orchard Way these are no. 60 and no. 62 Beaumont Avenue, no. 64 Beaumont Avenue has a right of way through no. 62 and Springvale Cottage. The commercial units at the end of Orchard Way contains a medical device company and a car repair company which generates deliveries and traffic.
- The proposed vehicular entrance located 4m from the junction with Beaumont Avenue would create a traffic hazard.
- It is proposed to remove the existing 2.5m high mature hedge which will negatively impact the amenity of the area.
- The proposed dwelling would reduce daylight to the appellant's property.
- The appellants have referred to applications in the area which were refused permission. Under Reg. Ref. D15A/0284 permission was refused on the subject site for an extension to existing bungalow including the demolition of garage to rear and the construction of new dormer dwelling. Permission was refused on the basis that it was overdevelopment of the site. The currently proposed house has only been reduced by 24sq m. The ridge height now proposed at 5.88m is higher than the previously proposed 5.7m. Under Reg. Ref. D06B/0265 & D07B/0054 (PL 06D.222834) permission was refused for the part demolition of existing single storey extension and the construction of a new two storey extension to rear of no. 64 Beaumont Avenue. Permission was refused on the basis that the proposed extension by reason of bulk, scale and massing results in overdevelopment of this site, which would seriously injure the amenities of property in the vicinity and would be out of character and visually obtrusive to the existing streetscape.
- Further development in the area would impact upon surface water drainage and would constitute an additional flood risk.
- It is requested that the Board refuse permission for the proposal as it is not in accordance with the proper planning and sustainable development of the area.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First Party response

A response to the third party appeal has been submitted by Dominic Comerford Architect on behalf of the applicant Beaumont Partnership on the 22nd of February 2016. The main issues raised concern the following;

- The area of the proposed dwelling has been reduce by over 20% from that previously proposed. The proposed design is dormer and not two-storey as stated in the appeal. There are similar dormer dwellings in the area including no. 56.
- Regarding the issue of the 11m rear garden. This is required in relation to overlooking from first floor windows. In this situation a 7m rear garden length is considered acceptable. There is 61sq m of open space to the front and 103sq m of open space to the rear.
- Orchard Way is a private road. The applicant has a way leave and an agreement with the owner for access to both proposed entrances. The proposed two entrances onto Orchard Way were favoured by the Transport Section of the Council rather than opening a new entrance onto Beaumont Avenue.
- In relation to the usage of Orchard Way it is stated that only no. 60 and no. 58A use it for primary access. The commercial units operate a one way system.
- Regarding the boundary treatment the proposals are considered appropriate. However should additional boundary measures be required the applicant is amiable to this.
- In relation to the issue of loss of daylight, a sun path analysis was carried out. This clearly demonstrates that there is no shadow effect would be caused to no. 58A.
- Reference is made to Reg. Ref.06B/0265 and Reg. Ref.07B/0054 these relate to two-storey extensions which are not considered directly comparable.
- The dwelling has been redesigned from that proposed under the previous application. It is considered in keeping with the surrounding area.
- In relation to the matter of flooding it is stated that the site is not prone to flooding. It is proposed to install rain water harvesting to both houses.

6.2 Planning Authority response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change in attitude.

6.3 Observations

Observations to the appeal have been submitted from (1) Frank Fitzgerald and (2) Peter Cleary.

(1) Frank Fitzgerald

- The proposed development would have an adverse impact in terms of shadowing of the neighbouring property.
- The proposed development would have a negative impact upon the character of the area.
- Beaumont Avenue is heavily trafficked especially at peak hours. Additional traffic onto Orchard Way would worsen the situation.

(2) Peter Cleary

- The observer fully supports the third party appeal lodged.
- The proposed development constitutes overdevelopment of the site. There is insufficient private amenity space to serve the proposed new dwelling. A minimum rear garden depth of 11m has not been provided.
- The observer notes the previous on the site under Reg. Ref. 15A/0284 where permission was refused on the basis it was over development of the site. Two other decisions relating to two-storey extensions no. 64 Beaumont Avenue are noted Reg. Ref. D06B/0265 and Reg. Ref. D07B/0054.
- The size and design of the proposed dwelling is considered out of character with the existing streetscape character of Beaumont Avenue.
- The proposed development would negatively impact upon the surface water drainage and would represent a flood risk.
- It would result in a loss of amenity to the neighbouring dwelling.

7.0 POLICY CONTEXT

Dun Laoghaire Rathdown County Development Plan 2016 – 2022

The subject site at 58 Beaumont Avenue, Churchtown, Dublin 14 is located on Map 1 of the Dun Laoghaire Rathdown Development Plan and is identified as being Zoned Objective 'A' to protect and/or improve residential amenity.

- Chapter 8 refers to Principle of Development
- Section 8.2.3.1 refers to Quality Residential Design

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design and Impact upon amenity
- Drainage
- Vehicular Access
- Appropriate Assessment

8.1 Principle of Development

8.1.1 The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. Under this zoning objective residential development is permitted in principle. The appellants have raised the matter of the appropriateness of the subject site to accommodate the proposed dwelling which is dormer.

8.1.2 The subject site contains a single-storey detached dwelling which it is proposed to extend it is also proposed to subdivided plot of the property and construct a new dwelling to the rear. I note the concerns of the appellants regarding the proposed siting and design of the dwelling and also the potential impact on the amenities of neighbouring properties these matters will be addressed in the subsequent sections of the assessment.

- 8.1.3 The Planning Authority in their assessment of currently proposed scheme were satisfied that the previous refusal reasons had been satisfactorily addressed. Having reviewed the plans and inspected the site I would concur with the Planning Authority that proposals represents a significant improvement in terms of the siting, design and scale of the development. I shall examine the visual impact of the proposal and its compliance the Development Plan in the subsequent section of the report.
- 8.1.4 Accordingly, while the development of the dwelling on the site may be acceptable in principle, in terms of zoning, it is subject to all other relevant planning issues being satisfactorily addressed. In particular proposed design of the development is acceptable subject to a design which does not impinge on the residential amenities of adjoining residences and offers sufficient residential amenities for the future occupants.

8.2. Design and Impact upon amenity

- 8.2.1 It is proposed to extend the existing dwelling No. 58. It is proposed to demolish the garage and construct a dormer extension with dormer windows to the front and side elevations. It is proposed to raise the ridge height from 5.58m to 6.05m. The proposed front dormer is located 0.5m below the roof ridge line. Two small rooflights are also proposed to the front elevation. The proposed alterations to the front elevation are relatively minor and therefore would not unduly impact upon the streetscape character.
- 8.2.2 The proposed extension would project out 5.2m from the rear of the dwelling. The proposed dormer to the southern side elevation is marginally below the roof ridge line. The dormer design is similar to those proposed to the front of the new dwelling.
- 8.2.3 The design of the new dwelling is dormer with a ridge height of 5.88m this is marginally higher than the roof ridge height of the neighbouring dwelling no. 58A. Two dormer windows are proposed to the front with 5 no. small high level rooflights to the rear elevation. Having regard to the height and design of the proposed dwelling relative to the surrounding properties I consider that it would integrate into the streetscape where there is a mix of single storey, dormer and two-storey development.
- 8.2.4 The appellants have expressed concern that the proposed scheme would impact upon residential amenity in terms of overlooking and overshadowing. In relation to the matter of overlooking, having regard to the design of the proposed dwelling specifically the high level nature of the first floor windows which address the adjoining properties, I do not consider that the proposed development would cause any undue overlooking of the neighbouring

residential properties having regard to the siting and design of the dwelling and extension.

- 8.2.5 Regarding the issue of overshadowing the applicant submitted a shadow path analysis study. Having reviewed the shadowing diagrams I note that there would be some limited additional shadowing of the neighbouring garden to the north in March and September. Given the limited nature of the potential shadowing and the fact that it would not cause direct shadowing on the dwelling, I consider it is acceptable.
- 8.2.6 Section 8.2.8.4 (i) of the Development Plan refers to private open space. The minimum required private open space for the new dwelling with three bedrooms is 60sq m. The Development Plan requirement for minimum rear garden depth of 11 metres is not required as there is no dwelling with directly opposing first floor windows. The proposed area of the rear garden is circa 84sq m which is in excess of the required 60sq m for a three bedroom dwelling. The area of the remaining rear garden of no. 58 is circa 76sq m. The private open space provision for both existing and proposed dwellings is in accordance with Development Plan requirements. Accordingly, a satisfactory level of private amenity space has been provided for both dwellings.
- 8.2.7 Table 8.2.3 of the Development Plan refers to Residential land use car parking standards. It is required under the Development plan that for a three bedroom dwelling that a minimum of 2 no. car parking space be provided. Two on-site car parking spaces are provided to the front of the existing dwelling with the provision of the 2 no. car parking the side of the new dwelling. Accordingly, a satisfactory level of car parking has been provided.

8.3 Drainage

- 8.3.1 The appellants have raised the matter of surface water drainage and have concerns regarding potential flooding. The report of the Water and Waste Services Section dated the 30th of September 2015 required further information in relation to surface water drainage proposals including the indication of the location of the proposed soakaway.
- 8.3.2 In response to this matter the applicant submitted proposals on drawing no. 357-22PL to discharge surface water on site to a rain water harvesting system with an overflow to a soakaway. I consider that the proposals of the disposal of on-site surface water are acceptable. The Planning Authority attached a condition to the permission issued that the disposal of surface water shall comply the details indicated on drawing no. 357-22PL. I consider that this is appropriate and should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition. In relation to the disposal of surface water the Planning Authority has also required by

condition that the new driveway/parking area shall be constructed in accordance with recommendations of Sustainable Drainage Systems (SuDS).

8.3.3 Therefore the use of permeable paving to all new hardstanding areas including driveway/parking area will ensure surface water soakage into the ground. Accordingly, subject to the inclusion of a condition requiring the use of permeable paving to all hard surfaced area, I consider that the proposed development would not result in flooding to the site or neighbouring properties.

8.4 Vehicular access

8.4.1 It is proposed to develop a new vehicular access onto Orchard Way to serve the new dwelling. It is also proposed to close the side entrance to the existing dwelling and relocate this to the north-eastern corner of the site. Both entrances are indicated having a width of 3.5m and are set back 1m from the road.

8.4.2 The appellants and observers have expressed concern at the capacity of Orchard Way to accommodate additional traffic. Orchard Way is a private road which runs for circa 70m and is relatively narrow having a width of 3.5m at its narrowest point. The applicant has confirmed in the response to the appeal that they have a right of way on the section of Orchard Way to access the proposed development.

8.4.3 Orchard Way serves two commercial uses a Medical device company and a motor repair business. No. 58A and No. 60 have vehicular entrances onto Orchard Way and there are a number of other properties which have access from the rear of their properties to the lane.

8.4.4 The proposed scheme involves the development of one additional entrance onto Orchard Way. While it is noted that the lane is narrow and does not have sufficient width for two vehicles to pass the proposed new dwelling would not in my opinion represent a significant increase in new vehicular movements on the lane. Furthermore, I note that the report of the Transportation Planning Section dated the 20th of October 2015 which states that they have no objections to the proposed development subject to conditions. Accordingly, I consider the proposed development is acceptable in terms of access and traffic considerations.

8.5 Appropriate Assessment

8.5.1 Having regard to the nature of the proposal a dwelling and extension to an existing dwelling and the nature of the receiving environment, namely a suburban and fully serviced location, I am satisfied that 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 CONCLUSIONS AND RECOMMENDATION

9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022, to the nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area 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, as amended by the further plans and particulars submitted on the 20th of November 2015, 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 dwelling and extension 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. The drainage arrangements, including the disposal of surface water, shall comply with the details shown on drawing number 357-227 submitted to the planning authority on the 20th day of November, 2015. The new driveway/parking area shall be constructed in accordance with the recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

4. Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the site, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

6. Site development and building works shall be carried out only 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.

7. 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 and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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 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

**Siobhan Carroll,
Inspectorate
6th of May 2016**