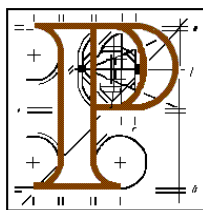


An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.246200

Development: Permission sought for development comprising the construction of detached 5 bedroom two storey dwelling house to side of existing house with new boundary wall separating the properties; shed in rear garden, new vehicular access; modifications to existing access and front boundary treatment, landscaping and all associated site works at No. 3 South Park, Dublin 18.

Planning Application

Planning Authority: Dun Laoghaire- Rathdown County Council
Planning Authority Reg. Ref.: D15A/0747
Applicant: Lucol Ltd.
Planning Authority Decision: Refuse permission

Planning Appeal

Appellant(s): Lucol Ltd.
Type of Appeal: First Party
Observers:
1. Betty Henry
2. Alacoque Kelly
3. Vincent Kelly
Date of Site Inspection: 12th May 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located to the side of No. 3 South Park, off Clonkeen Road, Dublin 18. The site is within an established residential area and has a stated area of 0.11 hectares.

South Park is an impressive award winning development and existing dwellings feature a strong pattern of development with every second house being either A framed gable fronted house or a standard two storey dwelling with a pitched roof. Predominately sites are large with a generous set back from the road. The estate is mature and there has been extensions to many dwellings and a number of infill developments over the years. Notwithstanding this, the strong pattern of development is very evident and there is a continuity throughout the estate with a similar type of window arrangement at first floor level for both of the predominant house types.

The site is an infill site and is adjacent to No. 3 South Park. Renovation work is currently ongoing at No. 3 South Park and the site is currently used as a parking area for the builders. I note from photographs on file that it was also used as a storage area for building materials. The site forms an irregular five sided shape and is located along a bend in the South Park Road.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises of the following:

- Two storey dwelling house with ridge height of c. 7.8m and stated floor area of c. 311m².
Detached shed and boiler room structure with a stated floor area of 27m².
- Two revised vehicular entrances and proposed set back of the adjoining front boundary treatments.
- 1.8m high front boundary wall on a new set-back roadside boundary line.
- 0.5m high wall along the existing roadside boundary line.

- An alternative design, together with changes to boundary treatments, the omission of the garage and boiler, and a change to the boundary to provide more private open space to the existing dwelling were submitted with the appeal documentation.

3.0 PLANNING HISTORY

V/138/15

Certificate of exemption under Part 5 granted.

PA 93A/0028

Outline permission granted for a detached house on a smaller site at this location.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that 5. no submissions were received. It considered that the bulk and design of the dwelling would be visually obtrusive and that there was inadequate private open space for the existing dwelling.

Drainage planning

No objection subject to conditions.

Transportation Section

No objection subject to conditions.

Irish Water

No objection subject to conditions.

4.2 Planning Authority Decision

Dun Laoghaire Rathdown County Council issued a notification of decision to refuse permission for two reasons as follows:

1. Having regard to the layout and position, and the size/ bulk and design of the proposed dwelling house and its proposed boundary treatments, it is considered that the proposed house would appear visually prominent and discordant on the streetscape and out of character with the area, and would therefore seriously injure the visual amenities of

the area or depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would materially contravene the Dun Laoghaire-Rathdown County Development Plan with regard to proposed remaining rear private open space for the existing dwelling as detailed in Section 16.3.2 (iv) of the Dun Laoghaire Rathdown County Development Plan, 2010 – 2016, by reason of the inadequate quantitative and qualitative provision of the remaining rear private open space due to its substandard size, layout and orientation and the proposed enclosed nature of the space. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

5.0 GROUNDS OF APPEAL

A first party appeal against the Council's decision was submitted on behalf of Lucol Ltd. The grounds of appeal and main points raised in the submission can be summarised as follows:

- The appeal is accompanied by an alternative design - Option 2, photomontages and a shadow assessment.
- The Board is invited to review Option 2, however the appeal is focused around a request to grant permission for the original proposal as submitted and without modification.
- Option 2 provides for a reduced two storey dwelling with a stated floor area of 262m².
- An amended site boundary is also provided for in a revised site layout to increase the private open space of the existing house to 74m². In addition, the garden buildings have been omitted and the boundary wall is lowered to allow for appropriate daylight.
- The contents of the Transportation Report are noted and it is proposed to amend the front boundary and gateway to 1.1m in height, and to omit the 0.5m high wall.
- Photographic survey of existing estate attached 'which confirms that the size, bulk, layout, position and boundary treatment are appropriate to the site and surrounding context.'
- There is no established character in the area, with development consisting mainly of semi-detached and detached dwellings of varying typologies.
- There is a precedent for newly built dwellings breaking the building line in the existing development.
- Proposal accords with Development Plan policies.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority response can be summarised as follows:

- With regard to the Planning Authorities first reason for refusal, it is considered that the revised proposal e.g. set-back from the front boundary with a lowered west end roof ridge, and a lower front boundary wall and grass verge - is in general terms more acceptable.
- However, it is considered that the blank first floor and gable element (to Bedroom 3) on the proposed revised west elevation, should have some form of fenestration detail - e.g. a small and/or redirected obscured glazed bedroom window.
- In relation to reason No. 2, concerns remain in relation to the quality and size of the rear garden space. The revised and rearwards set-back of the proposed house's living room and master bedroom block element - immediately adjacent to the remaining rear garden, may lead to some overbearing and overshadowing impacts onto the relatively restricted and enclosed rear private open space of the existing dwelling house. An omitted/reduced protrusion beyond the rear building line (with a related small reduction in the extent of otherwise beneficial, set back from the front building line of the proposed living room and master bedroom block element) may help to ameliorate overbearing and overshadowing impacts.

6.2 Observations

Observations have been submitted from Betty Henry, Alacoque Kelly, and Vincent Kelly which can be summarised as follows:

- The site described in the drawings as a 'side garden' was purchased as a site and was never intended to be a side garden.
- The building line is inconsistent with other houses in the area.
- The Board should consider 'Option 2' as a new application and as such should be submitted through the planning process.
- There is neither a wide variety of roof profiles or design on the street.
- There are 5 No. infill developments in the area.

7.0 POLICY CONTEXT

The Dun Laoghaire Rathdown Development Plan 2016 – 2022 is the operative County Development Plan for the area.

Zoning

The site is located within an area zoned as Objective A 'To protect or improve residential amenity.'

Section 8.2.3.4(v) refers to development on corner/side gardens.

Section 8.2.8.4 relates to private open space for houses. There is a minimum requirement of 75m² for 4 bedroom houses.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Design and Scale of Proposed Development
3. Other Matters

Principle of Proposed Development

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies, standards and requirements set out in the plan. Accordingly the principle of a dwelling is acceptable at this location.

Design and Scale of Proposed Development

The primary concern in this appeal relates to the design and the impact that this would have on the visual and residential amenities of the area.

I note that the applicant has submitted an alternative proposal to the Board – Option 2/ also named as Option B in the appeal documentation. The Board is invited to review Option 2, however the appeal is focused around a request to grant permission for the original proposal as submitted and without modification.

The observations submitted request that 'Option 2' is disregarded in terms of the original application and that Option 2 be afforded the full planning process and stand on its own merits as a separate application to the Planning Authorities.'

I note that the appeal makes some improvements on the original application in terms of alterations to the boundary treatment, the removal of the shed and boiler house to the rear and alterations to the boundary between the sites to provide for enlarged private open space for the existing dwelling.

However, I am of the view that none of these alterations address the fundamental aspects of the proposal. The principle of an additional dwelling on this site is entirely acceptable, however two of the key aspects of the policy set out in Section 8.2.3.4 in relation to corner/ side garden sites have not been given adequate regard in my opinion.

Firstly, a critical element of any development on a side garden site is the size, design, layout and the relationship with the existing dwelling and immediately adjacent properties. Secondly, I have concerns in relation to the remaining rear private open space, its orientation and usability.

I have examined both the original proposal and the revised proposal submitted at appeal stage and consider that neither of the designs is in keeping with the existing streetscape or the context of the site. The existing estate is located in a mature residential area and whilst there are some exemptions, generally the prevailing pattern follows that of Figure 3 included in the appeal documentation with every second dwelling being either a standard dwelling with a pitched roof or a gable fronted dwelling. A number of infill developments have been built in the estate in recent years providing for relatively simple designs as shown in Figure 7 included in the appeal documentation.

The site is unique in that it is a large site located on a bend and there is an opportunity for the development to follow the bend of the road and provide for more variation than would normally be permitted.

The site is in a prominent location in the estate and I am of the view that any design permitted at this location should be of a high standard of design that complements the scale and style of existing properties in the area. I consider that any new dwelling at this location should not dominate the area and should harmonise with the existing streetscape. I have concerns that the bulk, scale, shallow roof pitch, overly cluttered appearance, multiplicity of shapes and sizes of openings, multiplicity of projecting elements, variation of roof lines and the confusing types of triangular roof elements give rise to an incoherent and inconsistent design.

As such, I would have serious concerns regarding the design of the dwelling itself and within its context within the existing streetscape. The adverse visual impact of the structure would also be exacerbated by the increased scale of the structure within the streetscape. As such, I consider that the neither of the designs proposed are acceptable, are contrary to the policy set out in Section 8.2.3.4 of the Development Plan and would be detrimental to the visual amenities of the area.

OTHER MATTERS

Boundary treatments

I am satisfied that the changes to boundary treatment to the front of the dwelling are adequate and provide for a front boundary that is consistent with existing development and comply with the conditions set out in the Transportation Report.

Private rear open space

In order to comply with Development Plan requirements and address the second reason for refusal, the private rear garden open space has been raised from a stated area of 61.8m² to 74 m²/75m² (74m² stated on drawings/ 75m² stated in written statement submitted with appeal). A shed and a boiler originally proposed adjacent to the boundary has been removed in order to allow more light into this north facing garden. The minimum requirement for the existing 4 bedroom dwelling set out in Section 8.2.8.4 of the Development Plan is 75m². There is an opportunity on this site to provide a better quality private open space for the existing dwelling, however, this has not been addressed properly in the amendments to the application and the revised proposals only provide for the minimum requirements in terms of size. I note that the previous permission granted on the site provided for a more even division of the sites and I would consider that it is critical that the existing dwelling should be given a more meaningful and higher quality rear garden. Having regard to the layout, design, triangular shape, limited usability and north facing orientation, I consider that the private open space does not comply with the requirements set out in Section 8.2.3.4 of the Development Plan.

Building Line

I note that concerns have been raised in the observations submitted regarding the proposed 'forward position' of the proposed dwelling. Having regard to the shape and configuration of this site, I am of the view that the building line proposed would be acceptable provided there was a less dominant design. I note that there is some flexibility in the Development Plan policy on corner/ side garden sites which states that 'building lines should be followed where appropriate.' However, I consider that flexibility in the building line would only be appropriate where the design was more in keeping with the existing streetscape in order to respect the character and visual amenities of the area.

Appropriate Assessment

Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 site, I am satisfied that the proposed development either individually or in combination with other plans and

projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

RECOMMENDATION

Based on the above assessment, I recommend that permission be refused for the reasons and considerations set out hereunder:

REASONS AND CONSIDERATIONS

1. The design of the proposed development is visually obtrusive by reason of the bulk, scale, and shallow roof pitch which would be out of character with adjoining properties and inconsistent with the established pattern of development in the area. Furthermore, it is considered that the overall design gives rise to an overly cluttered appearance by reason of the multiplicity of shapes and sizes of openings and the multiplicity of projecting elements and would materially contravene Section 8.2.3.4 of the Dun Laoghaire Rathdown Development Plan 2016-2022. The proposed development would therefore seriously injure the visual amenities of the area, set an undesirable precedent for further infill development of this nature and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would materially contravene policy set out in Section 8.2.3.4 of the Dun Laoghaire Rathdown Development Plan 2016 -2022 with regard to the remaining private open space for the existing dwelling, by reason of the inadequate quality of the remaining rear private open space due to its design, shape, layout, and orientation. The proposed development would therefore seriously injure the residential amenities of future occupants of this property and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Inspector
18th May 2016