

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL06D.246370

Development: Demolish house, erect replacement house, Reenmore, Taney Road, Dundrum, Dublin 14.

Planning Application

Planning Authority: Dun Laoghaire Rathdown Co Co

Planning Authority Reg. Ref.: D16A/0008

Applicant: Edward Moore

Planning Authority Decision: Refuse

Planning Appeal

Appellant(s): Edward Moore

Type of Appeal: Applicant vs Refusal

Observers: Christine & Gordon Erskine

Date of Site Inspection: 15th June 2016

Inspector: Hugh Mannion

1.0 SITE LOCATION AND DESCRIPTION

The site is located on Taney Road, Dundrum, Dublin 14, to the west of Dundrum village and opposite the junction with Stoney Road. The site has a stated area of 0.1135ha and accommodates an existing bungalow with a floor area of 126m² and an attached garage. To the front of the house is a drive way through a shared pedestrian/vehicular entrance. To the rear is a substantial, relatively overgrown, rear garden. To the west is a bungalow with some attic accommodation, Derrycon, occupied by the observer. To the west is 30 Taney Road. Taney Road in the vicinity of the site has a solid white median line and there are footpaths on both sides.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises the demolition of a single storey house with garage and store (126m²) and erection of a two storey detached house (294m²), site works, new access gate, raised front boundary wall, single storey home office/study at Reenmore, Taney Road, Dundrum Dublin 14.

3.0 PLANNING HISTORY

There is no relevant planning history.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

The **planner's report** on file recommended refusal for the reason set out in the manager's order.

Transport Planning reported no objection subject to conditions.

Surface Water Drainage reported no objection subject to conditions.

4.2 Planning Authority Decision

The planning authority refused permission as follows;

The bulk, height, length and proximity to boundaries would be visually obtrusive and have an overbearing impact on the properties east and west. The proposal would seriously injure the amenity property in the vicinity.

5.0 GROUNDS OF APPEAL

The grounds of appeal may be summarised as follows;

- A number of permissions have been granted for replacement houses in the area recently. The site is zoned for residential use and the Development Plan recognises the requirement to increase density in built up areas where appropriate.
- The proposal provides an amended entrance gate of 3.5m, for 2 off street car spaces which do not dominate the front garden and 80m² of private open space. All these factors comply with Development Plan policy.
- The plot ration is .25 (1,135m²/294m²) which does not give rise to excessive size or bulk. The proposed ridge height is 7.49m and is set back 17.5m from the public road – this is not an excessive height and is generally comparable with houses in the area.
- The proposed house is 16.6m long on its longest (north/south) axis which is shorter than the existing house on site. The distance to the western boundary is 2.831m. The distance to the eastern boundary is 1.631m. These separation distances are acceptable.
- The amended proposal submitted with the appeal; omits the garden room reducing the proposed floor area from 319m² to 294m², this has been further reduced by narrowing the house to give a new gross floor area of 282m², the roof ridge height has been reduced by 900m, the house has been moved further off the eastern and western boundaries. Finally the upper windows will be fitted with obscure glass so as to minimise the impact on adjoining property.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

The planning authority commented on the grounds of appeal that they do not raise and new issue such as would cause the planning authority to change its mind.

7.0 OBSERVERS

An objection has been received from the owners of 'Derrycon' – the house on the adjoining site to the west. The objection may be summarised as follows;

- Both the 'Reenmore' and 'Derrycon' were constructed as a pair in the 1940s. The development plan has a preference for retaining older houses over the option of demolish and replace.
- The proposal will negatively impact on the observer's house and contravene the zoning objective for the area. The proposal will be seriously visually obtrusive when viewed from the observer's property. The two storey structure will be particularly intrusive in views from the observer's back garden.
- The proposed development will overlook the observer's property and in particular the windows on the eastern elevation of that property.
- The proposal will give rise to overshadowing of the observer's property and loss of light.
- The grounds of appeal in so far as they relate to design quality, size and bulk, height and proximity to boundaries do not offer grounds to overturn the reason for refusal.

8.0 POLICY CONTEXT

The site is zoned “A to protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

9.0 ASSESSMENT

9.01 The site is within a suburban area where housing is the dominant land use; the site is zoned for residential development and therefore in principle redeveloping the site for residential use is acceptable. The existing house on site is not on the RPS or the NIHA and is not architecturally significant. I note the observer’s comment in relation to the Development Plan policy in relation to, where appropriate, maintaining original buildings but I do not consider that this is a sufficient policy basis to prevent the redevelopment of this site for residential purposes.

9.02 To the right (east of the site) is 30 Taney Road. Number 30 is a two storey detached house but of a different design from the adjoining houses, starting with number 32 and further east along the road. 30 Taney road has a long extension about 1m off the boundary with the application site with high level windows. This extension terminates at the same point along the boundary as the garage attached to Reenmore. This extension along the side and to the rear of 30 Taney Road is closer to the boundary than the main house, Reenmore, although not the garage.

9.03 The proposed house is about 1.5m off the boundary with 30 Taney Road, the applicant states that this increases by 16.8cm in the revised proposal submitted with the appeal. The eastern elevation is 16.6m long and is largely blank at first floor level with the exception of two relatively small bathroom windows. The site drops to the rear and the roof ridge height, measured from the rear garden ground level, is about 9m. The roof ridge would be about 4m off the boundary with 30 Taney Road.

9.04 The amendments submitted at appeal stage would further improve this aspect of the proposed house when viewed from the rear garden of 30 Taney Road. The proposed house is due west of the house on 30 Taney Road but given the separation distance off the boundary and the further separation distance of roof ridge I do not consider that the proposed development will unreasonably overshadow the adjoining rear garden of 30 Taney Road.

9.05 Turning to the adjoining house to the west of the site, Derrycon, it may be noted that the proposed house is moved substantially further into the site which established a better 'half way house' between the building line established by Derrycon and that established by 30 Taney Road. The owner of Derrycon has made an observation to the Board in relation to this application which is detailed above. The observation makes the point that the proposed house is too close to the boundary, will be obtrusive when viewed from the observer's property, will overshadow Derrycon and impact on the residential amenity of Derrycon in a manner to contravene the residential zoning objective for the area set out in the County Development Plan.

9.06 The existing house on site is well forward (between 8m and 14m) of the front building line of Derrycon. The proposed house will set back so that the front wall of the new house is about 6m forwards of the front wall of Derrycon. The western elevation is about 3m off the boundary. There are no first floor windows on the western elevation closest to the boundary with Derrycon. There is one west facing first floor window to the master bedroom but this about 17.5m off the western boundary. In relation to overshadowing I consider that the proposed development will cast a shadow either to the rear patio area within the site or perhaps along the boundary; I do not agree that the proposed development would overshadow the private amenity space/rear garden of Derrycon which is a key element of the residential amenity value of that house.

9.07 To the rear of the site in Taney Court there are 3 three storey apartment blocks and between these and the rear of the site is an access to a well screened piece of public open space and boundary with the application site. This relationship together with a remaining rear garden depth on site (in excess of 20m) will ensure no adverse impacts for these uses in Taney Court.

9.08 In relation to the amended proposals submitted with the appeal I consider that they should more properly have been the subject of a separate application in their own right. Nevertheless I conclude that the original proposal (including the home office/garden room), subject to conditions, is an acceptable redevelopment of an existing residential use and that it will not seriously injure the amenity or depreciate the value of property in the vicinity.

9.09 Appropriate Assessment

9.10 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.

10.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing I recommend that permission be granted for the reasons and considerations and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The proposed development is located in an area zoned “to protect and/or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. Having regard to pattern of residential development in the immediate vicinity, to the nature and scale of the proposed development and subject to the conditions set out below it is considered that the proposed development would not seriously injure the residential amenity of property in the area and would otherwise accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development details of the off street car parking to be provided on site, entrance gates and boundary treatment along the public road shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of residential amenity and traffic safety.

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 and to ensure a proper standard of development.

4. 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.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. 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.

Hugh Mannion
Planning Inspector
21st June 2016