



# **An Bord Pleanála**

## **Inspector's Report**

**PL06D.246397**

**DEVELOPMENT:-** Sub division of the rear garden and construction of 3 no. two storey terraced houses with all associated site works at 76 Cnoc na Si, Drummartin Terrace, Goatstown, Dublin 14.

### **PLANNING APPLICATION**

**Planning Authority:** Dun Laoghaire Rathdown County Council

**Planning Authority Reg. No.:** D16A/0060

**Applicant:** John Murphy

**Application Type:** Permission

**Planning Authority Decision:** Grant Permission

### **APPEAL-**

**Appellants:** 1. Terence Corish 2. Residents of Drummartin Terrace

**Type of Appeal:** Third v Grant

**Observers:** Andrew and Helen Jennings

**DATE OF SITE INSPECTION:** 7<sup>th</sup> July 2016

**INSPECTOR:**

**Mairead Kenny**

## **1.0 SITE LOCATION AND DESCRIPTION**

The site comprises a large part of the substantial rear garden of a detached dwellinghouse in the inner suburban location of Goatstown. The character and density of development in this immediate area is diverse. Croc na Si is a low density estate of detached two storey houses. The road layout includes grass verges and provides ample on street parking and parking is also provided within the curtilage of the houses. Drummartin Terrace to the rear (west) is a cul de sac and is a relatively narrow road of different character. Drummartin Terrace is mainly composed of attractive stone fronted terraced cottages at the western side, more recently constructed detached houses at the eastern side including 'The Bungalow' and 'Drummartin House' and at the end of the cul de sac are pebble dashed single storey cottages in short terraces. 'Drummartin House' to the north is a large house constructed on foot of a 2005 planning application. It is of simple contemporary design idiom with a pitched roof and gable window to the front and relatively large windows facing onto the site. To the south of the site on higher ground are two houses 80 and 81 Cnoc na Si, the upper floor levels of which are partly visible from the site.

The narrow cul de sac road Drummartin Terrace has a footpath along one side only (to the west in front of the stone cottages). The width of the road allows for parking on both sides and passage of a car. Except at the western side close to the junction with Lower Kilmacud Road, Drummartin Terrace is not marked with any lines and parking is not regulated or controlled by payment. At the time of inspection on weekday in the middle of the afternoon, parking was readily available but a number of cars were in situ. Some of the houses at the head of the cul de sac have parking within the curtilage of the front gardens of the houses. 'The Bungalow' is identified as having a social care use, which involves regular minibus trips to the house.

The site has a stated area of 561.77 square metres and is part of the rear garden of the applicant's house, an area laid out mainly as a tennis court. There is an electricity substation within the site, which is accessed from Drummartin Terrace. There is an access gate to the rear of the site from Drummartin Terrace.

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 to subdivide the overall lands at 76 Cnoc na Si and to construct 3 no. two storey terraced houses with 2no. vehicular entrances and relocation of an existing vehicular entrance.

The floor area of the proposed three houses are:

- House A - 122.2 square metres with 65 square metres open space
- House B – 107.8 square metres with 60 square metres open space
- House C – 119.5 square metres with 68.37 square metres open space

The resulting plot ratio is stated to be 53.4 per hectare. The stated site coverage is 38.3%.

The houses are to be finished with Trutone slates, white acrylic render, timber-aluminium composite windows and doors and zinc rainwater goods. The first floor levels contain relatively large bay windows with powder coated aluminium screens. Two of the houses incorporate a gable-fronted element.

The application submissions include a copy of an application form and associated statutory declaration in relation to Part V.

### **3.0 PLANNING HISTORY**

A certificate of exemption under Part V was received – Reference V/0009/16.

PAC/432/14 - three options discussed during pre-planning meeting- preference for 3 no. units on site. Within 100m of QBC. Development to be of high quality. Contemporary architectural approach favoured.

Under PL06D.243723 the Board overturned the decision of DLRCC to refuse permission for retention of an existing wooden panel security screen fence, support structure and associated site works, located at 76 Knocknashee rear garden and abutting Drummartin Terrace. A requirement imposed by condition was that within three months of the date of the order revised plans and particulars including a maximum of 3m height of the wooden panel and a painted finish to the boundary wall be agreed with the Planning Authority. Completion of this requirement within six months of date of order (28<sup>th</sup> November 2014).

The application cover letter refers to a previous permission for one free-standing single storey dwellinghouse, which has lapsed – Planning Reg. Ref. 87A/180 refers.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 Planning and technical reports**

Case Planner – Separation between the first floors of opposing windows is 26m and rear garden depths are acceptable. High quality living environment for future residents. Simple

design aesthetic is a suitable response to this infill site – will complement the streetscape and not unduly detract from the special character of Drummartin Terrace. There is visual benefit to be gained by creating frontage at this street. Concerns relating to traffic require a solution that is outside the remit of the application. Meets car parking standards and should therefore not exacerbate the need for on-street parking. Transportation Planning Section is satisfied. Permission recommended.

Drainage Planning Section - No objection subject to full separation, water conservation measures and surface water attenuation.

Transportation Planning Section - No objection subject to conditions.

Conservation Officer - Not one of older houses on terrace – no built heritage issues.

## **4.2 Planning Authority Decision**

The Planning Authority decided to grant permission subject to conditions including:

- restriction on exempted development
- modification to proposed vehicular entrances and height of wall
- security for completion of services and financial contribution under Scheme.

## **5.0 GROUNDS OF APPEAL / OBSERVATIONS**

### **5.1 Grounds of Appeals**

#### Residents of Drummartin Terrace

The main points of this appeal are:

- there is no 'existing vehicular entrance' or permission for an entrance
- there is an existing deficiency in parking space at Drummartin Terrace, the road is narrow and the entrance would be at the turning point
- a minibus serving *The Bungalow* a special care home and other vehicles have difficulty turning at this very point
- there is insufficient space for one vehicle to park over the entire terrace and there is an informal code of practice in operation which provides barely enough parking – difficulties exist even though few households have more than one car

- the presence of three new houses would result in visitor parking adding to pressure
- this matter was not adequately considered by the Planning Authority
- house design, especially the tall gables to the front is inappropriate
- the roadway gradient is not reflected in the scheme and it is unclear how the level difference with the roadway at the north-eastern end is to be handled or how the ground slab will abut the boundary with Drummartin House
- we request that permission be refused
- signed by residents of houses between 24 and 52 Drummartin Place (9 no. in all).

Terence Corish

The main points of this appeal are:

- there is no established right to a vehicular access from 76 Cnoc na Si
- the form, design and material finishes are inappropriate
- the development will harm the visual amenity and architectural composition of this candidate Architectural Conservation Area
- a number of development plan policies refer including one which speaks to the use of contemporary design
- the location of the houses is important as any building will complete the enclosure of the upper terrace and affect how the entire composition is read
- the gable disrupts the predominant form of the buildings which is of blocks of two or more houses with a strong horizontal line
- if imitation of the existing form of houses is being sought then a slated hipped roof or stepped approach would be appropriate
- alternatively there is opportunity for a restrained contemporary design

- the facades seem over-busy needlessly arrhythmic and belonging to another suburban location
- materials should incorporate natural slate and pebbledash or stone
- treatment of the front garden should involve limiting parking to one space and formation of planted front boundaries to continue the characteristic of a collective landscape
- the Planning Authority failed to give due consideration to the ACA status
- permission should be refused or amended as indicated.

## 5.2 Observation

### Andrew and Helen Jennings, Drummartin House

The description of the gates as an existing vehicular entrance is not accurate as these were for the old substation.

Design should be revised to propose dormer style to the front as the mass of the proposed houses is excessive.

The houses should be detached and stepped. The proposed single structure results in higher ground level and roof level of houses A and B, which is closest to our house. The boundary wall to Drummartin House would be rendered too low to screen views.

Objection to three entrances – any future development should incorporate a t-shaped turning head at the top of Drummartin Terrace.

Structure is too close to Drummartin House. Any window facing our house should be sealed even if opaque, to prevent overlooking.

## 6.0 RESPONSES

### 6.1 Planning Authority response

The Planning Authority notes that the new development plan does not identify Drummartin Terrace as a candidate ACA. The development represents efficient use of the site and will provide a high quality residential environment.

## 6.2 First party response

The main points of the response to the appeals include:

- the entrance was created in 1965 and used by a house and the ESB
- relevant documentation to support the conclusion of the Planning Authority on this matter are attached
- alternative designs suggested would not have suited the site context which includes a range of building types
- the render finish and the palette of materials suits the area and the climate
- the applicant would have no objection to a condition requiring a railing
- the development plan requirement is for two parking spaces
- the Planning Authority including the Conservation Officer considered the ACA, which policy would not preclude contemporary design
- the design submitted is a high quality solution appropriate to the locality
- the use of the site boundary for parking would cease as a result of the development, resulting in improved vehicle movements on the terrace
- this would benefit any large vehicles including emergency vehicles
- the Council officials were all satisfied with the development, which we feel will be a positive contribution to the area.

## 7.0 POLICY CONTEXT

The site is governed by the provisions of the Dun Laoghaire –Rathdown County Development Plan 2016-2022. The site is zoned objective A “to protect and/or improve residential amenity”. A range of policies refer to design and protection of buildings and locations of architectural character. There are no specific heritage objectives related to this site or to the immediate area in the current county development plan.

Section 1.3.4.6 of the county plan refers to the Goatstown Local Area Plan, which was adopted in April 2012. The objective is to implement lands in accordance with the LAP. The vision to create a distinctive and vibrant urban village is noted along

with the proposed Blueline Bus Rapid Transit Corridor, which is proposed to run from St Vincent's hospital to Sandyford via Goatstown.

An objective set out under the 2012 LAP is 'to investigate the designation of Drummartin Terrace as an Architectural Conservation Area'. The western side of the terrace is highlighted on a map as 'Attractive / Historic Buildings' – copy attached.

## **8.0 ASSESSMENT**

I consider that the issues in this appeal may be considered under the following headings :

- Traffic and parking
- Built Heritage
- Residential Amenities.

### **Traffic and Parking**

The impact of the development on the parking and traffic conditions in the residential terrace are significant importance in this case in view of the level of concern expressed by residents and the relatively narrow and confined nature of the street.

In relation to the movement of vehicles I note that the Case Planner's brief reference to this matter is that it is outside the scope of the planning application. Insofar as the traffic conditions are concerns the residents have referred to difficulties relating to the movement of vehicles on the street and have identified concerns relating to emergency access. The extent to which the proposed development would further impede such movements is a matter for the Board.

The appellants state that there is no established right of way from the rear of the house. The Planning Authority documentation indicates that this has previously been investigated and determined to be established. I agree with that conclusion based on my inspection including the presence of what is clearly an old hard standing area for a vehicle, positioned inside the gate. I submit that the balance of evidence lies very strongly with the applicant on this matter and I recommend that the Board accept that there is an established vehicular entrance.

I noted above that there are no road markings on Drummartin Terrace and that no parking bays are laid out. As such under existing and proposed conditions the use of the street for parking may be haphazard from time to time. It is stated that the development would be at a location which is a pinchpoint and where reversing movements and performed and bins



stored for collection. The applicant states that the use of the site boundary for parking would cease as a result of the development, resulting in improved vehicle movements on the terrace. I agree that this is an argument in favour of a grant of permission for the development as proposed.

The applicant and Planning Authority both refer to the provision of two parking space on site in accordance with the requirements of the development plan. I accept that the proposal does comply with the guideline. However, I also note that the development gives rise to a reduction in on-street parking in a context where parking for existing houses is likely to be over-subscribed in the evening.

The Board may wish to consider whether it would be appropriate to omit the front garden parking and to retain the street frontage as a communal parking area for all residents. In this regard I note that the original terraced houses and some of the newer cottages at the head of the cul de sac are all in competition for a scarce resource. The development as proposed would give rise to removal of almost three spaces. I consider omission of the front garden parking would be a more equitable manner of managing the limited resource. The Board should note, that a grant of permission, no matter what conditions are attached is likely to give rise to overspill parking but in the context of the inner suburban location and the proposed Blueline, as well as on-street parking in the wider area, I do not consider that permission should be refused. I recommend that this be addressed by condition on any permission.

Regarding a level gradient and how this is to handled, I consider that the gradient is not significant.

Regarding the overall control of traffic movements in the vicinity of the site or elsewhere along the street, this is largely a matter for the local authority. Subject to the condition recommended above there would be no significant change to existing street conditions.

On balance the development is acceptable in terms of traffic and parking subject to conditions.

### **Built Heritage**

I note that the LAP requirement relates only to 'investigate' an ACA for the terrace, part of which dates to 1914. There is no specific heritage designation related to this street or to the site or the immediate context. The consideration under the LAP relating to the possible designation of an ACA appears to have related to the western side of the terrace. I consider that there is no prevailing policy provision which

requires particular attention to be paid to the built heritage in the vicinity of the site. The development would not adversely impact on the setting of the cottages of particular historic / architectural importance which are at the opposite side of the street. I note that the Conservation Officer had not detailed recommendations and no objections.

The design of the development is subject of one of the appeals in particular. I disagree with the description of the development as being over-busy and needlessly arrhythmic. On the contrary, I concur with the opinion of the Planning Authority and consider that the design is appropriate and simple. I would not describe the design proposed as being more appropriate to another suburban location. The gables to which the appellant refers will not be set beyond the front boundary wall of the adjacent Drummartin House and are acceptable in my opinion. I do however agree that a natural slate roof and lower boundary wall would be more appropriate than the proposed Trutone roof. External finishes and boundary features, including to the front should be agreed with the Planning Authority.

In overall terms this is a high quality proposal and the design aesthetic and detail are generally appropriate. I consider that the proposal is acceptable in terms of architectural heritage and the streetscape.

### **Residential Amenities**

The mass and proximity of the proposed houses to Drummartin House is of concern to the observer. There is a 8m separation between the existing and proposed houses. The south facing side façade of Drummartin House has relatively large windows, from which there will be views to the proposed houses, which it is stated will read as a single mass. The Board is referred to the observer's requests that the design be revised to show a dormer style and that the houses be detached thus allowing for a lower ground level at House A. Having regard to the limited glazing at first floor level (one en-suite window) and to the separation distance that a significant revision of the proposed scheme is warranted.

Regarding the houses to the rear there is substantial separation in accordance with the development plan policies and I agree with the consideration of the Case Planner on this matter. Regarding the houses to the south these are on higher ground and are well set back from the proposed houses and are screened by planting and a high boundary wall.

I consider that the development is acceptable in terms of the protection of the residential amenities of the houses in the vicinity.

## **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 CONCLUSIONS AND RECOMMENDATION**

It is considered that the proposed development should be granted for the reasons and considerations below.

### **REASONS AND CONSIDERATIONS**

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character with 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 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. The following shall apply in relation to the development:
  - (a) the front garden parking shall be omitted,
  - (b) except at the substation the site boundary adjoining Drummartin Terrace and a pedestrian gate at each house the front boundary shall be complete

- (c) landscaping of the front garden including details of boundary treatment and bin screening shall be subject of a revised design.

Prior to the commencement of development, detailed drawings shall be submitted to, and agreed in writing with, the planning authority in accordance with this requirement.

**Reason:** In the interests of residential and visual amenity and to minimise the reduction of communal on-street parking.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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 take place within the curtilage of the house, without a prior grant of planning permission.

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

5. 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.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

7. 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.

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**Mairead Kenny**  
**Senior Planning Inspector**  
**11<sup>th</sup> July 2016**