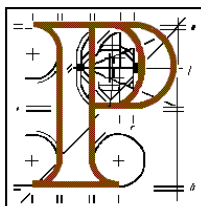


## An Bord Pleanála



## Inspector's Report

**Appeal Reference No:** 06D.246698

**Development:** Permission sought for a detached two storey residence in the side garden of the existing property comprising a kitchen/ dining/ living area, lounge, hall, cloak room and toilet on the ground floor and 2 ensuite bedrooms and two other bedrooms and a bathroom on the first floor and a new vehicular entrance at No. 34 Windsor Park, Monkstown, Co. Dublin.

### Planning Application

Planning Authority: Dun Laoghaire- Rathdown County Council

Planning Authority Reg. Ref.: D15A/0829

Applicant: Estate of Monica Galavan

Planning Authority Decision: Grant permission

### Planning Appeal

Appellant(s): Dermot Casey and Jenifer Brunswick

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: 16<sup>th</sup> August 2016

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site is located at No. 34 Windsor Park, Monkstown, Co. Dublin. The site is within an established residential area and has a stated area of 0.0374 hectares.

The site is a corner site and currently comprises of a semi-detached two storey dwelling. The site is bounded to the east by No. 33 Windsor Park and to the south by No. 53 Windsor Drive. A new detached two storey dwelling has been built in a similar corner site on the opposite side of the road to the east of the site at No. 35A.

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

## **2.0 DEVELOPMENT PROPOSED**

Permission is sought for the following:

- Detached two storey residence with a stated area of c. 218 square metres in the side garden of an existing property.

## **3.0 RELEVANT PLANNING HISTORY**

None on site.

### **V/153/15**

Certificate of exemption granted under Part V in respect of the provision of one detached dwelling.

### **PA D15A/0764**

Permission granted for the demolition of utility room (former garage) to the side, alterations to existing vehicular entrance and construction of a new detached one and two storey house to the side at 85 Windsor Drive.

## **D03A/0856**

Permission granted for two storey five bedroom detached dwelling house with new vehicular access at No. 35 Windsor Park.

### **4.0 PLANNING AUTHORITY DECISION**

#### **4.1 TECHNICAL REPORTS**

##### **Planning Report**

The planner's report noted that one submission was received. It considered that the proposed development would be acceptable subject to a condition limiting the provision of any further extensions (by way of exempted development) to the new dwelling under Class 1 of the Planning and Development Regulations, 2001 (as amended).

##### **Drainage planning**

No objection subject to conditions.

##### **Transportation Section**

The first report required further information in relation to car parking. The second report considered that this issue had been addressed and recommended permission 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 grant permission subject to 11 No. conditions. I note that all conditions are of a standard nature and no condition has been included which limits the provision of any further extensions (by way of exempted development) to the new dwelling under Class 1 of the Planning and Development Regulations, 2001 (as amended).

## **5.0 GROUNDS OF APPEAL**

A third party appeal against the Council's decision was submitted by Dermot Casey and Jennifer Brunswick. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Concerns regarding building line, set back, and design and scale of dwelling.
- Overlooking into rear garden of No. 34.
- Concerns that mature trees may be removed.
- Concerns regarding traffic hazard.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

The Planning Authority response refers the Board to the previous planner's report. 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 of attitude to the proposed development.

### **6.2 First Party Response**

A first party response has been submitted on behalf of the applicant which can be summarised as follows:

- The proposal has been assessed by the Planning Authority and is considered to be in compliance with Development Plan Policy.
- See 3D drawings attached to response which illustrate the design in context.
- No overlooking of existing houses.
- Proposal assessed by Transportation Department and it was considered that the proposal would not result in a traffic hazard.

### **6.3 Third Party Response**

A third party response was submitted on behalf of Dermot Casey and Jenifer Brunswick which responds to the points made in the first party response.

### **6.4 Observations**

None.

## **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) of the Development Plan refers to development on corner/side gardens sites.

Policy RES4: Existing Housing Stock and Densification – 'It is Council policy to improve and conserve housing stock of the County, to density existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in existing residential communities.'

## **8.0 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. Compliance with Development Plan Policy
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 in a side garden is acceptable at this location.

## **Compliance with Development Plan Policy**

Section 8.2.3.4 (v) sets out the policy for development in corner/ side garden sites.

The main issues raised in the appeal relate to the context of the site, the building line, set back, and design. The primary concern is that there is already an additional dwelling in the side garden at No. 35A Windsor Park on the opposite side of the road to the east of the proposal and both dwellings combined 'would create a channelled approach and would create a sense of enclosure to the residents of Windsor Drive.'

I am of the view that the side garden of this dwelling is spacious and can accommodate an additional dwelling. I consider that the building line is similar to the existing dwelling at No. 34 Windsor Park and have no objection to same. Having regard to the c. 15m distance between the dwelling at No. 35A and the proposed dwelling and design of the side elevation facing east onto Windsor Park which incorporates a single storey element I do not consider that a channeled approach to Windsor Drive would be created.

In relation to design, I refer the Board to the 3D images submitted with the appeal response. I consider that the scale, design, and height proposed are appropriate for the site and do not consider that the design proposed will detract from the visual amenities of the area.

In terms of private open space, I note that both the proposed dwelling and the existing dwelling comply with development plan standards and will both have in excess of 60 square metres behind the front building line with the proposed dwelling having a stated area of 89 square metres.

In my view, the design and building line proposed respect the existing streetscape and is in accordance with the policy set out in Section 8.2.3.4 (v) of the current development plan. As such, I consider that the design is appropriate for the area and I do not consider that the proposed development would cause any detriment in terms of visual amenity.

## **Other Matters**

### Impact on Residential Amenities

The appeal expresses concern regarding the proximity to the existing dwelling at No. 34 Windsor Park and overlooking from the rear first floor window into the back garden of No. 34. I note that there would be no direct overlooking of No. 34 and the proposed dwelling faces a blank gable wall of No. 53 and as such the proposed dwelling would not detract from the residential amenities of the area by reason of overlooking.

### Traffic Hazard

It is submitted in the appeal that the proposed addition of another dwelling in the street will lead to a traffic hazard. I note that revised plans were submitted to the planning authority dated the 18<sup>th</sup> of April 2016 and that the applicant consulted with the Transportation and Planning Section of the Council. I am satisfied that car parking and access arrangements for the proposed and existing house are acceptable and will not result in a traffic hazard.

### Boundary Treatment

The appeal expressed concern that the mature trees at the rear of the site would be removed. The response to the appeal confirms the intention of the applicant to retain the existing mature trees at this location. However, it is noted by the response that the trees may be beyond their serviceable life as they have been trimmed by the owners of No. 53 and may therefore need to be replaced. It is stated that if this is the case, the applicant will replace them with mature trees.

## **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 granted for the proposed development for the reasons and considerations set out below:

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016- 2022, 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 further plans and particulars submitted on the 18th day of April, 2016, 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 out in accordance with the agreed particulars.



**Reason:** In the interest of clarity.

2. 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.

3. Water supply and drainage arrangements, including the 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 dwelling 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, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

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, 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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Emer Doyle  
Inspector  
31<sup>st</sup> August 2016