

An Bord Pleanála



Inspector's Report

Appeal Reference No: 06D.246708

Development: Permission sought for house and associated works in side garden at 2A Deerpark Road, Mount Merrion, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire- Rathdown County Council
Planning Authority Reg. Ref.: D16A/0071
Applicant: Martin and Kathleen Meehan
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): James and Yvonne Logan
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 16th and 25th August 2016

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located within a mature residential area at 2A Deerpark Road, Mount Merrion. The area is urban in character with a mix of housing styles and is well serviced in terms of infrastructure etc.

The site is a corner site located at the corner of Mount Anville Road and Deerpark Road. A dormer bungalow is currently located on the site. A wide grass verge in the ownership of the Council is located to the west of the site. A bungalow at No. 15 Mount Anville Road is located to the north of the site. On the opposite side of the road to the south of the site is a single storey cottage 'Assini', the only protected structure on Deerpark Road (RPS No. 565).

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:

- The construction of a detached partially submerged three bedroom two storey house with a stated area of c. 208 square metres in the side garden of an existing property.
- A new vehicular entrance from Mount Anville Road.

3.0 RELEVANT PLANNING HISTORY

V/015/16

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

D05B/0196

Permission granted for alterations to existing one storey dwelling house. The alterations will consist of part demolition to allow for part basement, raising of roof to provide first floor accommodation in roof space and extension at rear.

D01B/0623

Permission granted for alterations to one storey dwelling house including extension to rear and to raise roof by 1.15m and change profile to provide first floor accommodation.

Adjoining dwelling to the east (which previously had been part of the subject site):

D04B/0506

Permission granted for alterations to already approved dwelling house.

D02A/0895/ ABP Ref. 06D.201064

Permission granted by Planning Authority and by the Board on appeal for the erection of a two storey dwelling house instead of already approved single storey house.

97A/0575

Permission granted for a bungalow and entrance at 2b Deerpark Road.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that two submissions were received. It considered that the proposed development could be successfully integrated into the streetscape at this location without adversely impacting on the existing residential or visual amenities of the area.

Drainage planning

The Drainage Department required further information. The report written following the further information response considered that the issues raised were successfully addressed and recommended permission subject to conditions.

Transportation Section

No objection subject to conditions.

Irish Water

No report on file.

Parks and Landscape Department

Recommends permission subject to a condition that the services of an arborist be retained for the duration. The report also states the following:

'It is my understanding that we would normally recommend refusal for access through open space. This is a wide verge and strictly would not be deemed open space so I don't have an issue with this.'

4.2 Planning Authority Decision

Dun Laoghaire Rathdown County Council issued a notification of decision to grant permission subject to 12 No. conditions. Condition No. 7 required that the services of an Arborist be retained for the duration of the construction of the proposed development. All other conditions are of a standard nature.

5.0 GROUNDS OF APPEAL

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

- Concerns regarding building line, overdevelopment of site and visual impact.
- Impact on Character of Area and Residential Amenity.
- Impact on Drainage and Traffic Safety.
- Notwithstanding the concerns raised, if the Board decides to grant permission, it is requested that a condition be inserted restricting normally exempted development.

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 and the associated technical engineering reports which address concerns regarding surface water and traffic safety/ parking.

6.2 First Party Response

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

- The site is not a typical 'corner site'.
- A photomontage is included which illustrates the site in context.
- The overall density equates to 20 units per hectare which is not overdevelopment.
- Drainage issues were addressed in the Further Information Response.
- Proposal assessed by Transportation Department and it was considered that the proposal would not result in a traffic hazard.

6.3 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 garden sites.

Policy RES4: Existing Housing Stock and Densification – 'It is Council policy to improve and conserve housing stock of the County, to densify 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.'

There is a QBC/ bus priority route on Mount Anville Road to the front of the site. A protected structure – 'Assini' (RPS No. 565) is located on the opposite side of Deerpark Road.

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.

Visual Impact

I consider that is a very unusual corner site and the design and materials proposed are of a very high quality which has regard to the site context. The response to the appeal notes that the road alignment was shifted and the building line relationship changed after the Mount Anville Road alignment. The combination of the flat roof high quality design, the use of the slope on the site to 'sink' the lower floor to the level of the basement of the existing dormer dwelling on the adjacent site and the high walls around the site will ensure that the proposed dwelling will not sit awkwardly at this corner location and will not be prominent from the adjoining roads in my view. I draw the Boards attention to the photomontage submitted with the appeal documentation entitled 'view from Mount Anville Road looking south.' I consider that the design proposed respects the location and context of the site 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.

Building Line

The policy requires that building lines should be followed where appropriate. Having regard to the context of this particular site as outlined above, the high quality innovative contemporary design, and the high walls surrounding the site, I am of the view that a departure from the building line is acceptable in this instance.

Overdevelopment of the site

The main issue raised in the appeal is that taken together with previous developments on the original site and in the context of its suburban location, the proposed development would constitute an over intensification of development of the property and would detract from the amenity of property in the vicinity including that of the appellant's dwelling. The appeal response argues that the original plot was 0.15 hectares in size and the overall density for 3 houses (two existing and one proposed) equates to 20 units per hectare.

Whilst I note the concerns raised above, my principal concern in relation to overdevelopment relates to the quality and quantity of private open space. The proposed house is to be located in effectively the side garden of the existing house. There is no usable private open space to the rear of the existing house and it depends on the use of the side and front gardens for private open space. The private open space of the proposed dwelling is split between a 15sqm terrace at ground floor outside the bedrooms and a 50sqm terrace outside the living room at first floor level which is just over the 60sqm Development Plan requirement. Section 8.2.8.4 of the Plan requires that this is behind the front building line. In the case of the existing dwelling, there is in excess of 60 sqm behind the front building line, however in the case of the existing dwelling, this space is partially forward of the building line. However, the plan states that in instances where an innovative design response is provided on site, a relaxation of the quantum of private open space may be considered on a case by case basis. The subject site is screened by existing high walls which afford a high degree of privacy and as such I am satisfied that the proposed private open space is acceptable.

Impact on Residential Amenities

The main concern raised in the appeal in relation to the impact on residential amenities relates to the proposed location of the proposed dwelling fully forward of the appellant's property 'by locating all the normal day-to-day activities of the residents of the new house alongside the front garden of Dun Aengus, and fully forward to the house, and by placing the entrance and parking area close to the mutual boundary, the amenity of our clients' property will be compromised.' Both gardens and accesses adjoin Mount Anville Road which is a heavily trafficked road in a suburban area. I am of the view that the arrangements proposed are typical in a suburban area and will not seriously detract from the residential amenities of the area.

Other Matters

Traffic Hazard

It is submitted in the appeal that the proposed addition of another dwelling in the street will lead to a traffic hazard and that there is a history of traffic accidents at this location. I am satisfied that the car parking (2 spaces) and access arrangements for the proposed house are acceptable and will not result in a traffic hazard. I note that the Transportation Section of the Council had no objection to same.

Retention of Mature Tree

There is one mature sycamore tree on the site and there is a tree report on file in relation to same. Condition 7 requires that the services of an arborist be retained for the duration of construction to undertake the works as outlined in this report. The appeal notes that it is intended to retain the sycamore tree but states that 'there must be some doubt on this point, given the size of the tree and its proximity to the proposed house.' The appeal response states that the concerns raised have no foundation and are not supported by any technical assessment. It is stated that the tree has been professionally maintained by the existing residents since taking up residence and condition 7 will be adhered to. Having regard to the information on file and the layout of the site I am satisfied that this condition is appropriate and that this mature tree can be retained.

Exempted Development

The appeal requests that notwithstanding the points raised in the appeal, if the Board decides to grant permission, a condition be inserted restricting normally exempted development. Having regard to the layout of the site, the proximity to adjoining boundaries, and the quantum of private open space, I consider that such a condition would be appropriate.

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 21st 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, 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.

6. The services of an Arborist shall be retained for the duration of the construction of the proposed development to undertake the works as outlined in the tree survey report submitted to the Planning Authority on the 5th day of February 2016.

Reason: In the interest of tree protection.

7. 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.

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.

Emer Doyle
Inspector
5th September 2016