



An
Bord
Pleanála

Inspector's Report PL.06D.246947.

Development	Retention for changes/alterations to 3 no. houses previously approved under Planning Reference No. D07A/0948
Location	Cooleen, Stepside Hill, Stepside, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0299
Applicant(s)	Jammel Cheim Limited.
Type of Application	Retention
Planning Authority Decision	Split decision
Type of Appeal	Third Party
Appellant(s)	Brendan Carey
Observer(s)	None
Date of Site Inspection	4 th October 2016.
Inspector	Dáire McDevitt

1.0 Site Location and Description

- 1.1. The site consists of three detached houses granted permission under Planning Reference D07/0948. No. 1, 2 & 3 Cooleen are located along Stepside lane on the southern fringe of Stepside village, c. 500 metres south of the crossroads with the R117 (Enniskerry Road).
- 1.2. Stepside village is located outside the M50 on the southern edge of County Dublin. The immediate area is characterised by detached houses and remains largely rural in character at the foot of Three Rock Mountain. The houses which are the subject of this application are substantially completed and on the market.

2.0 Proposed Development

- 2.1. Permission is being sought for the retention of changes/alterations to three houses granted permission under D07A/0948. The works to be retained consist of:
 - New flat roof over porch to the front elevation.
 - New mono pitch roof to the single storey element to the rear.
 - New mono pitch roof to the dormer window serving the attic room
 - New window positions in the side and rear elevations.

3.0 Planning Authority Decision

3.1. Decision

Split decision:

Grant permission for the retention of:

- New flat roof over porch to the front elevation.
- New mono pitch roof to the single storey element to the rear.
- New mono pitch roof to the dormer window serving the attic room

- New window positions in the side and rear elevations.

Subject to 4 conditions.

Condition no. 2:

That the permission does not include the first/second floor window serving the stairwell on the southern side elevation of House no. 1.

Reason: *In the interest of residential amenity and the proper planning and sustainable development of the area.*

Refuse permission for the retention of first/second floor window on the southern elevation of house no. 1 serving the stairwell. On the grounds of residential amenity of the adjoining property.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This Report forms the basis for the Planning Authority's decision and the main issues are highlighted below:

- Visual Impact
- Residential Amenity.

3.2.2. Other Technical Reports

- Municipal Services Department. Drainage Planning: No Objection.
- Transportation Section: No Objection

3.3. Third Party Observations

The appellant lodged an observation at the time of the application to the planning authority which is largely in line with the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report. The main points are summarised below:

- Overlooking from window on the side elevation of no. 1 into the appellant's property.
- Overlooking from single storey rear extension of house no. 1 into his property.

4.0 Planning History

D07A/0948. Permission granted in October 2007 for the demolition of existing house and construction of 3 houses.

D07A/0948/E. Extension of duration of the above permission to November 2017.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

- Site is zoned under Land Use Objective 'A' *To protect and/or improve residential amenities.*
- Section 2.1 Residential Development
- Section 8.2.3 Residential Development (Development Management Standards)

5.2 Natural Heritage Designations

Wicklow Mountain SAC (site code 004040) c. 5km southwest of the site

Wicklow Mountain SPA (site code 002122) c. 5km southwest of the site

Knocksink Wood SAC (site code 000725) c. 3km south of the site

6.0 The Appeal

6.1 Grounds of Appeal

A third party appeal has been lodged by Brendan Carey, 30 Stepside Lane (property to the south of no. 1 Cooleen).

The grounds of appeal are summarised as follows:

- Overlooking from the single storey rear element and loss of privacy.
- Devaluation of property.

6.2 Applicant Response

This can be summarised as follows:

- There are no windows in the side or rear elevation of house no. 1 that overlook the appellant's property.
- The finished floor level of no. 1 is 1.2 metres below that of the appellant's house and there is a substantial concrete post and timber fence along the boundary that prohibits any cross boundary overlooking into no. 30 Stepside lane.
- The windows to be retained in the single storey element are similar in location and width to those originally granted permission. While the windows are taller, this does not result in overlooking as eye level remains the same and high level glazing is used.
- There is no infringement on the amenity or privacy of the appellant's property or garden from the windows to be retained.
- No evidence submitted supporting the assertion that the appellant's property has been devalued.
- It is assumed that the appellant has appealed the decision in relation to no. 1 despite not identifying this in the appeal.

6.3 Planning Authority Response

No further comments.

6.4 Observations

None

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenity
- Appropriate Assessment

7.1 Residential Amenity

- 7.1.1 The appellant has raised concerns that the revised mono pitch roof to the single storey rear element and revisions to the glazing will result in overlooking of his property located to the south of no. 1 Cooleen.
- 7.1.2 There is a difference in levels between the appellant's property and no. 1 Cooleen of 1.2 metres (appellant's house is at the higher level). Overlooking of the appellant's property does not occur from the single storey element of no. 1 Cooleen due to the topography of the area and the design of the house. There are no negative impacts on the residential amenities of the adjoining properties and permission for retention should therefore be granted.
- 7.1.3 The Planning Authority issued a split decision and refused permission for the retention of the window at first/second floor level on the southern side elevation of no. 1. on the grounds of residential amenity.
- 7.1.4 The vertical window to be retained is a feature in the side elevations of all of three houses. The window serves a stairwell which would allow natural light to penetrate to the hall and landing to a degree. While I note that the side elevation of no. 1 and no. 3 are close to the boundary, the fact that the

window serves a stairwell and circulation space, would not, in my opinion, unreasonably detract from the amenities of neighbouring dwellings to the south of no. 1 or the north of no. 3. The gable of no. 1 flanks the gable of no. 30 Stepside Lane.

7.1.5 I disagree with the Planning Authority's decision to issue a split decision and refuse permission for the retention of the window to the side elevation of no. 1. I note the Planning Authority did not refuse permission for retention of the window to the side elevation of no. 2 or 3. The window to the side elevation of no. 1 should be included if the Board decides to grant permission for retention.

7.1.6 The changes/alterations to be retained to the three houses enhance their overall design and do not detract from the visual or residential amenities of the area or that of adjoining properties. Permission for retention should, therefore, be granted for all changes/alterations included in this application.

7.2 Appropriate Assessment

There are no direct links to the nearby European designated sites and having regard to the nature of the works to be retained, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.0 Recommendation

8.1 I recommend therefore that permission for retention be granted for the reasons and considerations set out below Reasons and Considerations

9.0 Reasons and Considerations.

Having regard to the pattern of development in the area, the development to be retained would not be out of character, would not seriously injure residential amenity nor would it be inconsistent with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Dáire McDevitt
Planning Inspector

21st October 2016