



An
Bord
Pleanála

Inspector's Report PL06S.247040.

Development	Dwelling, revisions to house design previously granted under SD10A/0035 at 33 Dargle Wood, Knocklyon, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD15A/0216.
Applicant(s)	Sean Ashe and Inha Aznar Asensio.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Appellant(s)	Sean Ashe and Inha Aznar Asensio (First Party vs. Refusal).
Observer(s)	None
Date of Site Inspection	19 th October 2016.
Inspector	Ciara Kellett.

1.0 **Site Location and Description**

- 1.1. The appeal site is located at the end of a small cul-de-sac development accessed from the Knocklyon Road. The area is characterised by well established, medium density, two storey, semi-detached suburban type housing. There are mature hedgerows and trees along the footpaths and in private gardens. The estate is surrounded by green parkland to the east and the south which also provides pedestrian access to Knocklyon Road and Templeroan Road.
- 1.2. The appeal site is irregular in shape and is located in the side garden of no.33, between no.33 and no.34A Dargle Road. Houses facing onto Knocklyon Road are located to the rear of no.33 and open space is located to the south-west of the proposed site. A feature of the houses is the location of the front door and a car-port to the side of the dwellings.
- 1.3. Appendix A includes a map, aerial view and photos of the development.

2.0 **Proposed Development**

- Planning permission exists for development of a single storey house (c.90sq.m) in the side garden of no.33 (Reg. Ref. SD10A/0035, ABP ref. PL06S. 237258). The life of this permission has been extended and is not due to expire until 1st December 2017.
- This application requests modifications to that permission. The modifications include the addition of a first floor which will increase the overall floor space to 155sq.m, provide three bedrooms, and increase the ridge height by 860mm.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to refuse permission for the following reasons:

1. *The proposed development, by reason of:*

- a. *Its location along a substantial portion of the south western boundary of the existing dwelling, and*
- b. *The restricted nature of the site, which cannot provide the minimum rear amenity space (60sq.m), and*
- c. *The proposal to provide full length glazing to provide light to Bedroom 1 and opaque glazing at first floor level to give light to the landing and bedroom 3, all of which are located approximately 5-7 metres from the neighbouring boundary to the north-west, would give an overbearing impact, overshadowing of an adjacent dwelling, overlooking of an adjacent dwelling and would detract from the visual and residential amenities of the area and would therefore be contrary to proper planning and sustainable development of the area.*

3.2. **Planning Authority Reports**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Main issues for assessment are zoning, Council policy with respect to dwellings in corner/side gardens, roads/parking issues and drainage.
- Notes the proposal would change the current permission for a single storey to 1.5 storey dormer dwelling and ridge height would increase from 5.2m to 5.8m. Notes front elevation would remain relatively unchanged albeit higher.
- Separation distance of only 19m would be maintained between the west facing elevation of the proposal at first floor and the rear elevation of the neighbouring dwelling at no.6 Knocklyon Road. Considers applicant's proposal to address this using louvres of 45 degrees unacceptable. Considers applicant should be given opportunity to address this.

- Roads department requests changes to parking layout because both dwellings require at least two parking spaces and accuracy of drawings is called into question.
- Further Information (FI) is requested with regards to i) drainage, ii) Overlooking – 19m distance not acceptable and landing window would compromise privacy of no.6 Knocklyon road, iii) Site boundaries between the 2010 application and subject application differ – could require amendments to public notice, iv) accurate drawings requested, and v) changes to the parking layout for both dwellings.
- Following receipt of the response to the FI, the Planner considers the response to glazing at first floor unacceptable and notes the garden area of 58.94sq.m is less than the minimum standard of 60sq.m.
- Notes that the existing permission for a single storey dwelling is still valid; notes that the rear building line will extend by 10m beyond the rear building line of no.33, resulting in overshadowing and residential amenities being negatively impacted.
- Recommends refusal of permission and the decision was in accordance with the Planner's recommendations.

3.3. Other Technical Reports

The application was referred to:

Roads Department – No objection subject to conditions.

Environmental Services Department – Foul Drainage/ Surface Water Report/Water Report – No additional reports.

Parks and Landscaping Dept – no reply.

3.4. Third Party Observations

None.

4.0 Planning History

- SD08A/0791: Permission refused in January 2009 for the construction of a two storey dwelling due to height, footprint, proximity to the boundaries, overbearing effect which may result in overshadowing which would seriously injure residential amenities.
- SD09A/0109, ABP Ref PL06S.233932: Permission refused in September 2009 for the construction of a two storey dwelling by reason of its setback and parking layout which would give rise to an overbearing impact, overshadowing of adjacent dwelling, detract from visual amenities and seriously injure the residential amenities of adjoining properties. The restrictive nature of the proposed access driveway to be shared by three properties cannot provide for 2 no. parking spaces per dwelling and would lead to on-street parking which would cause an obstruction to road users of the hammerhead.
- SD10A/0035, ABP Ref PL06S. 237258: Permission granted in December 2010 on appeal for construction of a single storey dwelling.
- SD10A/0035/EP: Permission duration extended until December 2017.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 – 2022

Under the new County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Section 2.4.0 of the Development Plan considers *Residential Consolidation – Infill, Backland, Subdivision and Corner sites*. Housing Policy 17 states that "It is the policy

of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County”.

H17 Objective 3 states “To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation”.

Chapter 11 states with respect to Dwelling Standards that the minimum space for two and three bedroom houses is 80sq.m and 92 sq.m respectively. The required private open space is 55sq.m and 60sq.m respectively. Section 11.3.2 considers “Residential Consolidation” and notes “Infill residential development can take many forms, including development on infill sites, corner or side garden sites, backland sites and institutional lands”. It is noted that development on infill sites should meet certain criteria but provides that subject to “appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development”.

With respect to development on corner and/or side garden sites, it states that proposals should *meet the criteria for infill development in addition to the following criteria*: Corner/Side Garden sites should be of a sufficient size and an appropriate set back should be maintained from adjacent dwellings; be designed and sited to match the building line and respond to the roof profile of adjoining dwellings; architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony; contemporary and innovative proposals are encouraged and corner sites should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

5.2. Natural Heritage Designations

There are no designated sites within the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Refusal Reason 1a: The location of the house along with its footprint has not changed. It is only the ridge height that has been increased to allow the bedrooms move upstairs. Ridge height has been raised approximately 800mm.
- Refusal Reason 1b: Considers that the statement regarding the minimum rear amenity space is incorrect. The proposal retains the minimum 60sq.m required.
- Refusal Reason 1c: Full length glazing to Bedroom 1 was not queried as part of the request for FI. The full length glazing to Bedroom 1 is at 90 degrees to the adjoining property and is therefore not an “opposing” window. Applicants prepared to reduce or omit bedroom altogether. Glazing for bedroom 3 and landing could be omitted.
- Consider decision to refuse unnecessarily harsh when the spirit of the application was to enhance the proposed living environment. Consider that had an opportunity been provided at FI stage, amendments would have been made to address the subsequent issues.

6.2. Planning Authority Response

The Planning Authority responded stating:

- The 2010 permission which remains extant until December 2017 granted permission for a single storey dwelling. Two previous applications for 1.5/2 storey dwellings were refused for reasons relating to overbearing impact, overshadowing, impact on visual amenities – these same considerations remain valid.

- Proposed development would extend beyond the rear building line by 10m causing garden of no.33 Dargle Wood to be seriously diminished by way of overshadowing.
- Rear garden less than minimum standards.

6.3. **Observations**

None

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and 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

7.2. Residential Amenities

This application is for a modification to a previously approved single storey development. Therefore, I am satisfied that the principle of the development has already been established. The current application proposes the addition of a first floor to provide for three bedrooms and an improved living environment at the ground floor. The potential impact on the residential amenities of the adjoining properties, no.6 Knocklyon Road to the rear and no.33 and no.34A Dargle Wood, must be considered with the proposed addition of another storey.

Overbearing/Overshadowing/Overlooking:

The permitted development extends almost the full length of the rear garden of no.33. There is no measurement on the drawings but it would appear to extend 10m

beyond the north-west edge of no.33. No.33's rear garden is facing south-west. No shadow diagrams have been provided with the application but I would have concerns that an extra storey would give rise to loss of sunlight and daylight, and cause unacceptable overshadowing of the rear garden of no.33.

As noted above, the proposal runs almost the entire length of what will be the new boundary between no.'s 33 and 33A. Another storey, albeit less than 900mm, will result in an overbearing effect on no.33.

I am satisfied that no.34A Dargle Wood and no.6 Knocklyon road will not be significantly impacted with respect to overshadowing or overbearing issues.

With respect to overlooking, the design ensures that there are no unacceptable overlooking issues for no.33 or no.34A. I do share the Planning Authorities concerns of the potential impact on no.6 Knocklyon Road. I note that following the request for FI, the applicant addressed the windows of bedroom no.3 and the landing by reducing the scale of glazing and making it opaque. While the windows of bedroom no.1 are not opposing windows and do not directly overlook no.6 Knocklyon Road, there is a potential loss of privacy due to the scale of the windows. I however, accept the applicant's suggestion that this could be addressed by way of condition.

With respect to the rear garden area the applicant disputes, as part of the response to the appeal, the Planning Authority's assertion that there is less than 60sq.m of private open space available. Notwithstanding this, I note that the County Development Plan allows for a reduction in open space subject to appropriate safeguards. I consider that the open space is acceptable in this instance.

In conclusion, I am satisfied that the addition of an extra storey on this development would seriously injure the residential amenities of the adjoining property, no.33 Dargle Wood, by way of overbearing impact and overshadowing. The same reasons for refusal of the two previous applications for a development greater than a single storey remain valid.

7.3. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 that planning permission should be refused for the reasons and considerations as set out below.

Reasons and Considerations/ Reasons

Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed development, by reason of its scale and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of adjoining properties by reason of overbearing impact and overshadowing. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

20th October 2016