



An
Bord
Pleanála

Inspector's Report PL06D.247078

Development	House and vehicular entrance
Location	38 Belmont Lawn, Stillorgan, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown
Planning Authority Reg. Ref.	D16A/0389
Applicant	Blanca Giralt Chavarri
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Micéal and Aideen Whelan and Others
Observers	None.
Date of Site Inspection	4/11/16
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located within the residential development Belmont Lawn off the N11/Stillorgan dual carriageway. It is situated to the north-eastern corner of the housing estate at the end of a cul de sac.
- 1.2. The site has a stated area of 0.0495 hectares and it contains a two-storey detached dwelling. The property is served by a vehicular entrance to the eastern side of the dwelling.

2.0 Proposed Development

- 2.1. Construction of dwelling and vehicular entrance

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed scheme has been significantly revised and redesigned having regard to the proposal which was refused previously. The Planning Authority were satisfied with the proposed house design and the provision of 2 no. on-site car parking spaces.

3.2.2. Other Technical Reports

Drainage Planning: No objections subject to conditions

Irish Water: No objections

Transportation Planning: No objections subject to conditions

3.3. **Third Party Observations**

- The Planning Authority received two submission/observations in relation to the application. The main issues raised are similar to those set out in the appeal.

4.0 **Planning History**

Reg. Ref. D15A/0691: Permission refused a) for two storey extension with rear single storey extension with partial demolition of existing single storey rear lean-to, refurbishment with associated external and internal alterations, rear rooflights, carport, and additional vehicular access to front garden of existing house with all associated site development works. b) Proposed construction of side two storey detached dwelling house with alteration/using existing vehicular access, solar panels to roof.

5.0 **Policy Context**

5.1. **Development Plan**

The relevant plan is the Dun Laoghaire-Rathdown County Development Plan 2016-2022.

- The subject site is identified as being Zoned Objective 'A' to protect and/or improve residential amenity.
- Chapter 8 refers to Principle of Development
- Section 8.2.3.4(v) refers to Corner/Side Garden sites

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted Doyle Kent Planning Partnership Ltd on behalf of Micéal and Aideen Whelan and Others on the 11th of August 2016. The main issues raised concern the following;

- The proposed development would constitute overdevelopment of the site.
- The proposal would negatively impact upon the visual amenity of the area. The proposed house design is considered out of character with the surrounding development.
- The sub division of the site would negatively impact upon the amenities of the neighbouring property no. 39 Belmont Lanwn particularly in terms of overlooking.
- The proposed new vehicular entrance would be located adjoining the small turning area between No's 38 & No. 39 would generate additional turning movements which would result in conflicting traffic movements.
- Due to presence of parked cars on both sides of the adjoining road the manoeuvring of cars into and out of properties would be further impacted.
- The proposed new vehicular entrance would reduce the amount of on-street car parking available.
- The proposed development would give rise to the generation of additional traffic into this narrow cul de sac.
- The appellants request that the Board refuse permission for the proposed development for the reasons set out above.

6.2. Applicant Response

A response to the third party appeal was submitted by McCutcheon Halley Walsh Chartered Planning Consultants on behalf of the applicant Blanca Giralt Chavarri on the 8th of September 2016. The main issues raised concern the following;

- In relation to the matter of traffic generation the subject scheme will create an additional car parking space for the existing house and 2 no. car parking spaces for the new home. Therefore the suggestion that the development would give rise to additional street parking is not accepted.
- The addition of two further cars amounts to a negligible number of additional traffic movements.
- The site located at a cul de sac does not experience significant traffic movements and therefore can accommodate the traffic movements generated by one additional dwelling.
- The proposed design and layout of the scheme provides for safe pedestrian movements to the front of the site.
- Regarding the matter of overlooking it is stated that the new windows will not directly face no. 39 Belmont Lawn and they would be over 18m from the rear garden of no. 39.
- The applicant strongly disagrees that the proposed design would be unacceptable in terms of the good urban design of the area.
- The applicant respectfully requests that the Board uphold the decision of the Planning Authority to grant permission for the subject development.

6.3. Planning Authority Response

- 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.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design
- Impact upon amenity
- Vehicular access and car parking
- Appropriate Assessment

7.1. Principle of development

7.1.1. The appeal site is located in an area zoned Objective 'A', which aims to protect and/or improve residential amenity'. Under this zoning objective residential development is permitted in principle.

7.1.2. The location of the proposed dwelling comprises the eastern (side) section of a plot of an existing two-storey dwelling located at the end of a cul de sac. I note the concerns of the appellants regarding the potential impact on the amenities of neighbouring properties, design and traffic and parking these matters will be addressed in the subsequent sections of the assessment.

7.1.3. Accordingly, while the development of the dwelling on the site may be acceptable in principle, in terms of zoning, it is subject to all other relevant planning issues being satisfactorily addressed. In particular proposed design of the development is acceptable subject to a design which does not impinge on the residential amenities of adjoining residences and offers sufficient residential amenities for the future occupants.

7.2. Design

7.2.1. The proposed development involves the construction of detached two-storey dwelling. The proposed floor area of the dwellings is 103sq m. The floor plan indicates a kitchen/dining room and living room at ground floor and 3 no. bedrooms, and a bathroom at first floor.

7.2.2. Section 8.2.8.4 (i) of the Development Plan refers to private open space. The minimum required private open space for the new dwelling with three bedrooms is 60sq m. This has been provided and the length of rear garden at 10.7m is also considered acceptable as length of 11m is generally required. The area of the remaining rear garden of no. 38 is in excess of 150sq m. Accordingly, a satisfactory level of private amenity space has been provided for both dwellings.

The appellants have expressed concern at the design of the proposed dwelling relative to the surrounding dwellings. In terms of its design character the proposed dwelling is two-storey, detached and featuring a pitched roof style. Therefore overall the proposed design reflects the design character of the surrounding properties within Belmont Lawn. While I note that the design of the fenestration does not match surrounding properties it does in my opinion reflect the overall design proportions. The proposed ridge level at 7.76m is in line with the existing dwelling. The proposed external finish comprises brickwork, zinc finish to the roof edge and hardwood framed windows which would match the existing properties. Accordingly, I am satisfied that the proposed design would integrate well into the existing streetscape.

7.3. Impact upon amenity

7.3.1. The appellants have raised concern regarding the issue of potential overlooking of no. 39 Belmont Lawn. The rear building line of the proposed dwelling is set forward by 3m from the rear wall of the kitchen of the existing dwelling no. 38. At the closest point the rear of the new dwelling would be situated 22m from the party boundary with no. 39 Belmont Lawn. Having regard to the siting and design of the proposed dwelling relative to the surrounding development, I note that the closest opposing dwelling located in the Ardagh Crescent estate is situated over 30m from the proposed dwelling. Furthermore no windows are proposed to the east facing side elevation. Accordingly, I am satisfied that there would not be any undue overlooking of the existing surrounding development.

7.4. Vehicular access and car parking

7.4.1. A new vehicular entrance located to the western side of the existing dwelling is proposed to serve that property with the new dwelling being served by the existing entrance with a revised design. The appellants have expressed particular concern at the location of the vehicular entrances onto the existing cul-de-sac. Regarding the argument on the basis of additional traffic movements, while I note a further dwelling would generate traffic movements I would concur with the applicant that given the nature of the proposed development a single dwelling that it can be satisfactorily accommodated at this location. Furthermore, I note that the Transportation Planning Section have no objections to the proposals subject to conditions. The Planning Authority conditioned that the vehicular entrances shall have a maximum width of 3.5m which will allow space for a vehicle to manoeuvre in and out of the site safely. I consider this is appropriate and should the Board decide to grant permission, I would recommend the conditioning of this issue.

7.4.2. Table 8.2.3 of the Development Plan refers to Residential land use car parking standards. It is required under the Development plan that for a three bedroom dwelling that a minimum of 2 no. car parking space be provided. The proposed site layout indicates a total of 4 no. on-site car parking space to serve the new and existing dwelling which is in line with the Development Plan requirements. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature of the proposal a dwelling and the nature of the receiving environment, namely a suburban and fully serviced location, I am satisfied that 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. Grant permission for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, to the residential zoning of the site as set out in the current development plan for the area and to the existing pattern of development of 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.

10.0 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. 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.

3. The vehicular entrances shall be revised so that the width of each entrance does not exceed 3.5m. The vehicular entrances shall be dished and strengthened at the Applicant's own expense and designed in accordance with the Planning Authority's detailed requirements.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and the boundary treatment 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.

Reason: In the interests of visual and residential amenity.

6. Prior to commencement of development, proposals for a name and numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly 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.

Siobhan Carroll
Planning Inspector

22nd November 2016