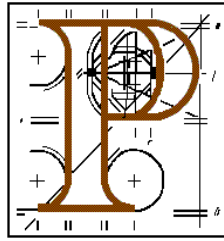


# An Bord Pleanála



## Inspector's Report

### Development

2 No. houses and all associated site works at 90 Corke Abbey, Bray, County Dublin.

### Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0437

Applicant: Barbara Redmond

Type of Application: Permission

Planning Authority Decision: Refusal

### Planning Appeal

Appellant(s): Barbara Redmond

Type of Appeal: First Party

Date of Site Inspection: 28<sup>th</sup> November, 2016

**Inspector: Kevin Moore**

## **1.0 APPLICATION DETAILS**

- 1.1 There is a first party appeal by Barbara Redmond against a decision by Dún Laoghaire-Rathdown County Council to refuse permission for the construction of two houses at No. 90 Corke Abbey, Bray, County Dublin.
- 1.2 The proposed development would comprise the construction of 2 no. two-storey, two-bedroom semi-detached houses to the side of an existing two-storey semi-detached house on a site with a stated area of 0.0313 hectares. The total floor area of the development would be 174.3 square metres. Provisions for side access, rear garden and one car parking space is proposed for each house. The proposal would also include new boundary treatment, the re-routing of an existing foul sewer and connection to public services. Vehicular access would be via the existing driveway to No. 90.

- 1.3 The reports received by the planning authority were as follows:

Irish Water requested further information on the proposed diversion of the foul sewer on the site.

The Drainage Engineer had no objection to the proposal.

The Transportation Planning Section requested further information on the width of the proposed vehicular entrance, vehicular movement into and out of the proposed car parking area, and 'right of way' provisions within the proposed parking area and the proposed shared pedestrian access to the rear of the existing dwelling.

The Planner noted the zoning provisions for the site, the site's planning history and the reports received. A residential development on the site was considered acceptable in principle. The development plan provisions as they relate to residential development on corner/side garden sites were noted. Comparisons were made between the proposal and a previously

permitted development for one house on the site. It was contended that the proposal would be visually at odds with the existing streetscape and that it would lead to an overly cramped and visually incongruous form of development. It was further submitted that the proposal would result in inadequate private open space being retained for the existing house. A refusal of permission was recommended.

- 1.4 On 9<sup>th</sup> August, 2016, Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for two reasons relating to the visually overbearing impact on the streetscape and to the injury to amenity caused by the reduction in private open space to the existing dwelling.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 28<sup>th</sup> November, 2016.

### **2.2 Site Location and Description**

No. 90 Corke Abbey, Bray is located within a mature residential estate of mainly two-storey, semi-detached houses. The house is a semi-detached property on a corner site, which is flanked to the north-east by No. 91 Corke Abbey. The site for the proposed development consists of the side garden of this house. The site is bounded to the front by a low brick wall and by fencing along its flank which is backplanted by hedgerow.

### **2.3 Dun Laoghaire County Development Plan 2016-2022**

#### Zoning

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

## Residential Development on Corner / Side Garden Sites

The planning authority is required to have regard to the following parameters when considering this type of development:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

## Private Open Space

All three bedroom houses are required to have a minimum of 60 square metres of private open space behind the front building line.

## 2.4 Planning History

### P.A. Ref. D14A/0318

Permission was granted for the construction of a 140 square metre two-storey, detached house to the side of the existing house.

### P.A. Ref. D06/0886

Permission was granted for a two-storey, detached house to the side of the existing house.

### P.A. Ref. D97A/0861

Permission was refused for a two-storey, detached house to the side of the existing house.

### P.A. D94B/0674

Permission was granted for an extension to the side of No. 90 Corke Abbey.

## 3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synthesised as follows:

### Reason No. 1

- The proposal takes note of the provisions in the Development Plan relating to corner/side garden sites, with particular reference to boundary treatment and windows on first floor gables.
- In the context of the Plan's provisions relating to infill, the site width compares well with those of the adjoining three bedroom houses, with each house having one car parking space as required by the Plan.

- The proposal, in terms of proximity of gable to pavement and provision of a side passage as a consequence, compares well with the precedent established at No. 62A Corke Abbey.
- The houses have more than the aggregate floor areas and storage required by *Sustainable Urban Housing*.
- The proposal meets with the densification requirements of the Development Plan.

#### Reason No. 2

- The usable garden of No. 90 is 30 square metres. There is an existing outdoor storage room at the rear of the site which the appellant is willing to remove to fulfil the Development Plan requirement to have a minimum of 60 square metres to serve a three bedroomed house.

## **4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL**

- 4.1 The planning authority submitted that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

## **5.0 ASSESSMENT**

- 5.1 I am satisfied that the issues raised in the planning authority's reasons for refusal constitute the relevant planning issues for consideration in this assessment. These will be addressed in the context of the Dún Laoghaire-Rathdown Development Plan provisions for corner site residential development.

- 5.2 I first note the zoning provisions for this location. The site is zoned 'A' with the objective to protect and/or improve residential amenity. The proposal for housing is, thus, seen as being compatible with this provision and is acceptable in principle.
- 5.3 The Development Plan sets out a schedule of criteria which the planning authority is required to give consideration to when assessing residential development on corner sites. It is clear that the proposal meets with several of these criteria. It is acknowledged that the proposed development does not have adverse impact on the amenities of neighbouring residents beyond this property, i.e. it does not have adverse impacts by way of overlooking, overshadowing, an overbearing impact or loss of privacy. The impacts on the established house on the site will be further examined later. The proposal meets the necessary accommodation standards for occupiers of the proposed houses. Adequate private open space is provided to the rear of the proposed houses. The issue of open space for the existing house will be considered later. While there is change in design and general character in comparison to the established housing, one could not reasonably determine the proposal to be such that it causes a high level of visual disharmony in its context. The scale, height, finishes, plot widths, depth, etc. would indicate that the proposed development is not notably incongruous. Indeed, the Plan provisions appears to allow for minor variations where they may arise. The proposed boundary treatment seeks to provide a permanence in the form of brick walls, which again could be viewed as consistency in its context. A first floor gable window is proposed on the north-western gable elevation overlooking the adjoining road to maximise passive surveillance. Thus, it may be determined that the proposal meets with many of the Plan criteria.
- 5.4 The issues that remain outstanding are the relationship of the proposal to adjacent properties and the streetscape in terms of visual impact, the

impact on the functioning of the established house on the property, and car parking arrangements.

5.5 It is noted that the proposed building line would be marginally forward of the established building line (1.355m). I consider that this is not significant given the development's corner site location. This will not constitute a significant distortion of the established building line at this location where the development has frontage onto two sections of roadway. It is the proximity of the development to the north-western flank and the appearance of the scale of the development that appears to raise particular concerns from a visual impact perspective. It is noted that the building height, form, bulk and depth is in many ways reflective of that which prevails in this estate. The roof profile is not significantly disharmonious with that which prevails. It is not reasonable, in my opinion, to determine that the structure as proposed is in some way incongruous. Its size, design, layout and relationship with the existing dwelling and adjoining properties would appear to be compatible in visual terms. The issue of the proximity of the development to the flank boundary is not unprecedented in this estate. I note No. 62A to the south-west of this site is also located on a corner site. It comprises a detached dwelling whose north-eastern gable immediately adjoins the boundary with the roadway. Having regard to the form of the proposed development and its context, I cannot reasonably concur with the planning authority's conclusion that proposal would be visually overbearing.

5.5 With regard to the impact of the development on the functioning of the established house on the property, I note that the Development Plan requires three bedroom houses to have a minimum of 60 square metres of private open space behind the front building line. The appellant acknowledges that there would be 30 square metres of open space available if the development is completed. There is a store at the rear of



the open space behind this house which the appellant submits may be removed to accommodate private open space needs. From the details provided in the application, it would appear that this would provide approximately an additional 19 square metres of open space if it was removed. It is evident that there would remain a substantial shortfall of private open space to meet the *minimum* requirements for a three bedroomed house. Another issue which must also be considered in this instance is the requirement to provide side access. I note that the arrangement between No. 90 and the nearest proposed semi-detached house would be communal. This is not a common arrangement. Furthermore, it appears that the access proposal would fall within the site of the new development so that the occupier of No. 90 would not have separate independent access to the rear of their house. Finally, I note the car parking provisions. While each proposed dwelling would be provided with one car parking space to the front of each dwelling, it is my submission that the functioning of this area as off-street parking will not allow for satisfactory circulation, limiting the use of this area effectively to one car only. I do not foresee the acceptability of an open frontage arrangement onto the roadway here for traffic safety reasons given its corner site location. The necessary controlled entrance and the narrow constraints of the frontage indicate that adequate provisions for car parking for two houses as proposed cannot be satisfactorily accommodated. Having regard to these latter three issues of inadequate private open space for No. 90, failure to provide adequate side access for No. 90 and the inadequate off-street car parking provisions, I must conclude that the proposal would constitute overdevelopment of the site.

## 6.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

### Reasons and Considerations

Having regard to the inadequate provision of private open space for the occupier of No. 90 Corke Abbey to meet minimum requirements arising from the proposed development, the inability to provide separate side access to meet the needs of the occupier of No. 90, and to the inability of the site to accommodate safe off-street car parking, circulation and access arrangements, it is considered that the proposed development would constitute overdevelopment of a restricted site, would fail to provide a minimum standard of residential amenity for the occupiers of the existing and proposed dwellings, would conflict with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 as they relate to residential development on corner sites, and would, thereby, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

November, 2016.