



An
Bord
Pleanála

Inspector's Report PL.06S.247200

Development

Two storey semi-detached dwelling house with converted attic space with a self-contained single storey interconnected granny flat unit to side, new vehicular access to new dwelling house and altering existing vehicular access to serve existing dwelling house.

Location

9 Saint Maelruan's Park, Dublin 24

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD16A/0138

Applicant(s)

Jon Anderson

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Colette Winders and Others

Observer(s)

None

Date of Site Inspection

19th October 2016

Inspector

Joanna Kelly

Contents

1.0 Site Location and Description

- 1.1. The appeal site is located in the residential area of St. Maelruan's Park, sited off the Old Bawn Road, off the N81. There is an existing two storey dwelling on the site which was undergoing renovations at time of inspection. The dwelling is an end of terrace on a cul-de-sac. There is an existing garden area to the side and rear. The lands within the estate rise to the south.

2.0 Proposed Development

- 2.1. The applicant is seeking to construct a two storey semi-detached dwelling house and convert the attic space with a self-contained single storey interconnected granny flat unit to the side. It is also proposed to have a new vehicular access to the new dwelling house and alter the existing vehicular access to serve existing dwelling house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification of a grant of permission subject to 13 (standard) no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planning report noted that the design and scale of the two storey element of the proposal is sympathetic to the existing development however the wrap-around ground floor portion of the development is a detracting element. Further information was requested 10 June 2016 in relation to

design, private amenity space, internal floor space, details of the proposed occupant of the family flat and services details.

- The subsequent planning report considered that the proposal was acceptable and complied with the policies and objectives of the development plan and recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Water Services Drawing required showing the surface water layout to include soakaway/s for the development. Percolation tests results of proposed soakaways required.

Clarification of further information required as proposed surface water drain is connected to a combined drain and should be completely separated from foul drains.

Roads Department First report recommends conditions to be attached to a grant of permission. Subsequent report notes further information and conditions already recommended.

3.3. Prescribed Bodies

Irish Water – The first report dated 23.05.2016 outlines that there is no water main drawing and that the dwelling should have its own separate water main and meter. It is unclear if applicant has permission to connect dwelling to foul drain of adjoining property.

Report dated 09.08.2016 Further information required for proposed foul drain of dwelling to connect to adjoining private drain north-west of site.

3.4. **Third Party Observations**

There was one no. submission in respect of the application on behalf of the Residents of St. Maelruan's Park. The main issues raised noted as follows;

- Estate has enough housing
- No additional capacity for parking
- Large vehicles find it difficult to access
- Reference is made to a refusal File ref. SD04A/0605 for a house on the opposite corner to appeal site.
- Reference is also made to an application refused at no. 28 St. Maelruan's Park.

4.0 **Planning History**

No recent planning history associated with the site.

History in the vicinity of the appeal site:

File ref. No. PL06S.209439 Permission refused to Colette Saul for construction of a two storey end of terrace house to the side of existing house and vehicular access/driveway onto St. Maelruan's park. The site is the corresponding corner side opposite the appeal site.

5.0 **Policy Context**

5.1. **Development Plan**

South Dublin County Development Plan 2016-2022 is the statutory development plan. Section 2.4.0 deals with Residential Consolidation – Infill, backland, subdivision and corner sites. Housing Policy 17 is to support residential consolidation and sustainable intensification at appropriate locations.

6.0 The Appeal

6.1. Grounds of Appeal

- This estate originally contained 36 houses but now has 42 homes. Four of these properties are vacant due to construction faults with them.
- Estate has enough homes built for size of area
- There is no capacity to deal with additional cars notwithstanding that a number of homes are currently unoccupied.
- Large vehicles already experience levels of inability to gain access to the estate.
- The ridge line of the proposed new building is not in conjunction with other properties.
- Reference is made to a permission Ref. No. SD04A/0605 for a house on the opposite corner of 9 St. Maelruan's Park, which was refused by the Council. Permission was refused on the basis that the proposal would seriously injure the residential amenity of the area and would depreciate the value of property in the vicinity.
- The residents agree with this point and consider this refusal should apply in this instance.
- Reference is also made to a refusal in respect of development at no. 28 St. Maelruan's Park which cites that the Council is not in favour of such development which will restrict the openness of streetscapes within its many estates.
- It is requested that permission be refused for the proposed development.

6.2. Applicant Response

- No response noted on file

6.3. **Planning Authority Response**

- No response noted within the statutory period

6.4. **Observations**

- None received

7.0 **Assessment**

7.1. Having examined the plans and particulars on the file, including all the submissions, and having regard to local and national policies in respect of the proposal the main issues arising can be summarised under the following headings:

- Design
- Residential Amenity
- Appropriate Assessment

7.2. Design

7.2.1. The proposal is to construct a new two-storey dwelling and a self-contained granny flat to the side of no. 9 Maelruan's Park. The granny flat element comprises of a bedroom, open plan kitchen/living area and bathroom. The two storey dwelling is approx. 128sq.m. whilst the granny flat is approx.48sq.m. The proposed house design is considered to be in keeping with the existing character and pattern of development in the area. Whilst the overall ridge height is marginally higher than the established ridge, the proposal would not appear incongruent or detract from the residential amenities of the area. The granny flat consists of a bedroom, kitchen/living room and toilet. There is a proposed link from the main dwelling to this flat. A condition should be attached whereby this area is not leased, let or sublet independently of the main dwelling house.

7.2.2. It is noted that three rooflights are proposed to the two storey dwelling. Whilst I have no objection to the provision of a rooflight to the front elevation, I consider that given the proposed use of the attic as storage space, the front rooflight should be omitted. The attic space is substantial in size and a condition should be attached which specifically precludes the use of this space as habitable accommodation.

7.3. Residential Amenity

It is considered that adequate private amenity space has been provided for the new dwelling, with rear amenity space in excess of 100sq.m. The internal floor space is such that is considered to meet the minimum requirements set out in the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), Department Environment, Heritage and Local Government Guidelines. Whilst the grounds of appeal are noted, I do not consider that the proposal detracts from the existing residential amenities of the area. There is adequate private amenity space and parking is provided for within the curtilage of the house. I note the reference to a previous history file PL.06S.209439/SD04A/0605 and would comment that these lands are located at a higher level. The proposed dwelling also significantly breached the established building line as cited in the reason for refusal.

7.4. Appropriate Assessment

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

I recommend that permission is granted subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the nature of the proposed development the Board is satisfied that the proposed development would be in keeping with the existing character and pattern of development in the immediate area, would not give rise to overlooking and

would not otherwise unduly detract from the existing residential amenities of the area. The proposal would not be prejudicial to public health, and would otherwise 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 and as amended by further plans and particulars submitted on the 14 day of July 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 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 external finishes of the proposed dwelling and granny flat including roof tiles/slates shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. The proposed dwelling and granny flat shall be jointly occupied as a single residential unit and the flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. The proposed rooflight serving the attic space to the front elevation of the proposed dwelling shall be omitted.

Reason: In the interests of orderly development.

6. 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 and public holidays. Deviation from these times will 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.

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.

Joanna Kelly
Planning Inspector

17 November 2016