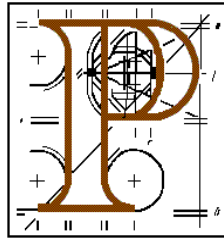


# An Bord Pleanála



## Inspector's Report

### Development

House and associated site works at side of 57 Meadow Vale, Deansgrange, Blackrock, County Dublin.

### Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0336

Applicant: Colm & Kathleen Quinn

Type of Application: Permission

Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Connie Ross

Type of Appeal: Third Party

Date of Site Inspection: 13<sup>th</sup> December, 2016

**Inspector: Kevin Moore**

## **1.0 APPLICATION DETAILS**

- 1.1 There is a third party appeal by Connie Ross against a decision by Dún Laoghaire-Rathdown County Council to grant permission to Colm and Kathleen Quinn for the construction of a house to the side of No. 57 Meadow Vale, Deansgrange, Blackrock, County Dublin.
- 1.2 The proposed development would comprise the construction of a two-storey, three bedroom detached dwelling with a stated floor area of 149 square metres on a site of 0.0339 ha. The proposal would include a new vehicular entrance. A covering letter with the application refers to how the planning context has changed since a previous refusal of permission for proposed development on the site.
- 1.3 Objections to the proposal were received from Eoin O'Malley and Connie Ross. The grounds of appeal reflect the concerns raised.
- 1.4 The reports received by the planning authority were as follows:
- The Drainage Engineer requested further information on SuDS measures and channelling of surface water.
- Irish Water had no objection to the proposal.
- The Transportation Planning Section requested further information on the provision of additional off-street parking and revisions to the vehicular entrance.
- The Planner noted the observations made, the site's planning history, reports received, and development plan provisions. The principle of the development was considered acceptable. The proposal was seen to be similar to a new house constructed beside No. 62 at the western end of the terrace. It was considered that the main difference between the proposal and those previously refused was the blended two-storey and single-storey design. It was further considered that the private open space

being provided was generally consistent with Plan requirements but that the overall area and depth of the amenity areas should be increased by omitting or amending the living room. It was submitted that the proposal would not have undue impact on the adjacent building line to the south due to the separation distance between the proposed rear building line and the side elevation of No. 96. A further information request was recommended.

1.5 On 6<sup>th</sup> July 2016, Dún Laoghaire-Rathdown County Council sought further information in accordance with the Planner's recommendation. Further submissions from the observers were made following the issuing of this request. A response to the request by the applicant was received by the planning authority on 11<sup>th</sup> August 2016. This provided for two car parking spaces on the site, a revised drainage layout and a reduction in the proposed living room area and elevational changes.

1.6 The reports to the planning authority following the receipt of this information were as follows:

The Drainage Engineer requested clarification on SuDS measures.

The Transportation Planning Engineer considered the proposed parking arrangements to be unacceptable and requested clarification.

The Planner considered the revisions to the proposed living room element did not address the concerns raised and it was recommended that this be omitted by way of condition. Elevational changes were regarded as being acceptable. It was considered that the car parking and surface water drainage issues raised in the reports on the further information could be addressed by way of attachment of conditions to a grant of permission. A grant of permission subject to conditions was recommended.

1.7 On 7<sup>th</sup> September, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 14 conditions.

Condition 2 required changes by way of omission of the living room and redesign of the single-storey section at this location and Condition 3 required off-street parking for two cars and details showing same.

## **2.0 SITE DETAILS**

### **2.1 Site Inspection**

I inspected the appeal site on 13<sup>th</sup> December, 2016.

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

The site of the proposed development is located at No. 57 Meadowvale, Deansgrange, County Dublin. The site comprises the side garden of the end-of-terrace two-storey house which is located at the junction of two of the estate roads. The site is flanked to the south by terraced houses, the nearest being the appellant's house. There are further terraced houses to the east and opposite to the north and semi-detached houses on the opposite side of the road to the west. A recently constructed two-storey detached house is located at the western end of the terrace of houses of which No. 57 forms a part.

### **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**

The site has a lengthy planning history which includes the following –

**D09A/0037**. Decision to grant permission for single-storey, 2 bedroom detached house, vehicular access etc. Refused on appeal under PL06D.233877.

**D06A/0817.** Decision to grant permission for 3 bedroom detached dormer bungalow, vehicular access etc. Refused on appeal under PL06D.219815.

**D05A/1251.** Decision to grant permission for two-storey 3 bedroom house. Refused on appeal under PL06D.215248.

**D05A/0234.** Decision to grant permission for two-storey, 3 bedroom detached house. Refused on appeal under PL06D.212060.

**D04A/0540.** Decision to grant permission for two storey, 3 bedroom house. Refused on appeal under PL06D.208078.

**D00B/0103.** Decision to refuse permission for two storey extension on grounds of scale, character and infringement of building line. Decision upheld on appeal PL06D.119352.

**D99A/0035.** Decision to refuse permission for erection of two storey three bedroomed house. Upheld on appeal under PL06D.110944 for reasons of injury to amenity by reason of overlooking and visual obtrusiveness and lack of private amenity space.

### **3.0 THIRD PARTY APPEAL**

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

- \* The proposal would be a major breach of the building line.
- \* It would impact on the privacy of adjoining houses and be out of character with existing development.
- \* It would injure residential amenities.
- \* It would generate a traffic hazard.

- \* It does not comply with design standards of the plan and would be out of scale and style with the character of the local area.
- \* Previous reasons for refusal remain relevant.
- \* It would set an undesirable precedent.
- \* The proposal fails to comply with development plan requirements for corner sites and infill development.
- \* No. 62A is not a valid precedent given the differences in context, street layout and building line.
- \* The site is unable to deal with drainage at present before the proposed development.

The appeal includes a letter of support from Eoin O'Malley, No. 19 Meadowvale.

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

- 4.1 The planning authority submitted that the main issues in the appeal were addressed in the Planner's report. It is considered the proposal is acceptable and the Board is asked to uphold the planning authority's decision.

#### **5.0 APPLICANT'S RESPONSE TO APPEAL**

- 5.1 The applicants submit:

- \* It is unclear whether the objections have comprehended the changes in policy towards development of corner sites nationally

and the more balanced planning approach to secondary building lines.

- \* The precedent is now set by the grant of permission and construction of No. 62A Meadow Vale (the mirror image of the site of No. 57). This precedent is the justification for the making of this latest application.
- \* The bulk of development at No. 57 would be single-storey and would not create any overshadowing or additional overlooking.
- \* The 'Corner Site Development' section of the Development Plan is supportive of this type of development. Plan provisions are highlighted.

The applicant also details design alterations made to meet with planning authority requirements.

## **6.0 ASSESSMENT**

6.1 I first note that the Board has refused permission for a single house development on this site six times previously. The five most recent proposals (PL 06D.233877/219815/215248/212060/208078) have each been refused because the location of the proposed dwellings were almost entirely forward of the building line established by No. 96 Meadow Vale and it was considered the developments would be out of character, would be visually obtrusive, and would seriously injure the amenities of the area. It is acknowledged that the Board did not consider the previous proposals would impact on residential amenities of neighbouring properties, would constitute a traffic hazard, would cause concerns relating to drainage, etc. Having regard to the proposal once again resulting in a development that



- would be almost entirely forward of the building line established by No. 96, the Board would be consistent in refusing permission this time.
- 6.2 Further to previous other considerations on planning matters, I am of the opinion that the current proposal also would not impact on residential amenities of neighbouring properties, would not constitute a traffic hazard, would not cause concerns relating to drainage, and would not raise any other significant planning concerns. The proposal has been designed satisfactorily to address these matters.
- 6.3 I further note that since the Board's most recent decision relating to this site that a detached house has been constructed at the eastern end of the terrace of which No. 57 forms a part, namely No. 62A. This comprises a detached two-storey house where the building line is generally in keeping with the terrace its adjoins but is significantly forward of the established building line of No. 63 Meadow Vale to the south. No. 57 and No. 62 are mirror images and there is distinct similarity in terms of available developable space. It is my submission that from a visual perspective, the principle of developing a house on the appeal site is acceptable and the development of No. 62A supports this as it does not constitute a development that is obtrusive or causes injury to the visual amenities of the area.
- 6.4 In seeking to develop a house in the side garden of No. 57, it is acknowledged that the building line established by No. 96 will be altered. However, as is the case at No. 62A, it would have no significant adverse visual impact for the overall estate when such development would be of a compatible form, scale and character with the established housing in the estate. In this instance, it is my submission that the proposed development, when viewed as part of the terrace comprising Nos. 57-62, would be acceptable in terms of the proposed building line and would be of a height and form that would not jar with that of the established terrace.

6.5 The issue of particular concern, however, with the proposal is one of scale. The footprint of the proposed development would take up the entirety of the side garden of the existing house, with the exception of the width of a car parking space. The consequence of the overdevelopment of this space results in the acquisition of part of what would reasonably have been an important component of the remaining back garden of No. 57 so that a private amenity space can be provided to serve the new house. In my opinion, the development of this side garden should not require the acquisition of this space in order to ensure a reasonable open space remains to serve the existing dwelling, which would keep it in some way compatible with existing housing in the vicinity. The area of the proposed 'living' room to the rear of the proposed house should be omitted to facilitate appropriate amenity space to the rear of the proposed house. This would allow for appropriate redesign, to site the new development in an acceptable manner in terms of separation distances from boundaries and adjoining properties and to allow for the incorporation of a significant component of the proposed courtyard to the side of the proposed house into the new design. I note the planning authority has sought to redesign the proposal by the attachment of Condition No. 2 in its decision. It is my submission that the necessary design changes are clearly material, are of a substantial nature and are significant in terms of the functioning of a proposed house. One cannot reasonably seek to make such significant changes in isolation of third party considerations or providing for the opportunity for same.

6.6 Having regard to the above, it is my conclusion that the development of a house in the side garden of No. 57 is acceptable in principle. The acquisition of part of the rear garden directly behind No. 57 is not. The development of a new house should apply to the land area that constitutes the side garden of No. 57. The development as proposed constitutes a gross overdevelopment of this plot which would have significant adverse

impacts on the private amenity space of No. 57 and should be refused accordingly.

## **7.0 RECOMMENDATION**

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

### **Reasons and Considerations**

Having regard to the excessive scale of the proposed development, to the incorporation of part of the back garden to the rear of No. 57 to provide private amenity space to serve the proposed dwelling, and the consequential loss of significant private amenity space to serve the existing dwelling, it is considered that the proposed development would constitute overdevelopment of a restricted site, would be substandard in terms of residential amenity and private open space for the occupiers of the existing dwelling on the plot, and would ,therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

December, 2016.