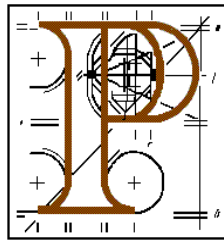


# An Bord Pleanála



## Inspector's Report

### Development

House and associated site works at side of 68 Saint Fintan's Villas,  
Deansgrange, Blackrock, County Dublin.

### Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0523

Applicant: Roisin Tobin & Eddie Riley

Type of Application: Permission

Planning Authority Decision: Refusal

### Planning Appeal

Appellant(s): Roisin Tobin & Eddie Riley

Type of Appeal: First Party

Observer(s): Sharon & Shane Byrne  
Anna Benson

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

**Inspector: Kevin Moore**

## **1.0 APPLICATION DETAILS**

- 1.1 There is a first party appeal by Roisin Tobin and Eddie Riley against a decision by Dún Laoghaire-Rathdown County Council to refuse permission for the construction of a house at No. 68 Saint Fintan's Villas, Deansgrange, Blackrock, County Dublin.
- 1.2 The proposed development would comprise the construction of a two-storey, two-bedroom detached houses to the rear of No. 68 Saint Fintan's Villas. The total floor area of the development would be 131 square metres on a stated site area of 0.0260 hectares. The proposal would include provision of a new vehicular entrance onto Deansgrange Road, parking and boundary treatment. Details submitted with the application included a letter of consent permitting the making of the application by the parents of applicant Roisin Tobin.
- 1.3 Objections to the proposal were received from Sharon and Shane Byrne and Anna M. Benson. The observations submitted to the Board reflect the concerns raised.
- 1.4 The reports received by the planning authority were as follows:

The Drainage Engineer, making comments on the proposal, did not indicate any objection to it.

Irish Water had no objection to the proposal.

The Transportation Planning Section recommended that permission be refused due to the public safety hazard arising from the lack of adequate vehicular access lane width to accommodate emergency vehicles.

The Planner noted the zoning provisions for the site, the site's planning history, the observations made and the reports received. It was considered that the proposal would be contrary to the provisions for backland development as set out in the County Development Plan. It was further considered that measures to address overlooking of adjoining properties would result in a poor standard of residential amenity for future occupants of the house and that the development would impact on the amenities of adjoining properties by way of visual intrusion, overbearing impact, and overshadowing. A refusal of permission was recommended for three reasons.

- 1.5 On 7<sup>th</sup> September, 2016, Dún Laoghaire-Rathdown County Council decided to refuse permission for the development for three reasons relating to overdevelopment / substandard development / precedent arising, visual obtrusiveness / overbearing impact / overshadowing, and lack of access lane width.

## **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 comprises part of the rear garden, the access to the side of, and part of the front garden of No. 68 Saint Fintan's Villas in Deansgrange, County Dublin. The location for the proposed house is bounded to the east by the back garden of No. 64A Saint Fintan's Villas, to the north by the back garden of No. 67 and to the south by the back garden of No. 69. The party boundaries comprise a mix of hedging. The existing semi-detached house on the property has been extended to the side in recent years. The property fronts onto and has a vehicular access onto Deansgrange Road.

### **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.

#### Backland Development

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites within the existing built-up area, the following standards will apply:

- Generally be single storey in height to avoid overlooking.

- Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces of 48 sq.m. each - exclusive of parking - for one/two bedroom units or 60 sq.m. plus for three/four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear facade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.

## 2.4 Planning History

### P.A. Ref. 91B/0079

Permission was granted for a two-storey extension to the side and a single-storey extension to the rear of the existing house.

## 3.0 FIRST PARTY APPEAL

3.1 The appeal submission provided amendments to the submission to the planning authority. Revisions included:

- \* Omission of separate vehicular entrance and use of the existing driveway as a shared entrance, extension of the entrance to 3.7m,

- provision for 4 parking spaces in the front garden, and provision of a Dry-Main hydrant at the entrance to address fire tender access.
- \* Floor being sunk into the ground by a further 400mm, bringing the line of the parapet in line with the height of the existing trees along the northern boundary.
  - \* Provision of a private upper terrace for the dwelling of 25 square metres, added to the 45 square metres lower terrace to meet 3 bed house private open space requirements and separated from the rear garden of No. 68 by a low planter wall with box hedging.
  - \* Provision of 133 square metres of private open space for No. 68.
  - \* An option moving the first floor section of the building away from the boundary of No. 67.

Clarification is provided on the use of the studio and details are provided on measures to address overlooking of neighbouring property. It is further submitted that the solar shade devices on windows will not obscure the view from within each room and would not result in a poor standard of residential amenity for occupants. The lowering of levels on the site is considered to address overshadowing of surrounding properties.

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

- 4.1 The planning authority, noting the applicant had made amendments to the proposal in the appeal submission, stated there were no further planning comments.

#### **5.0 OBSERVATIONS**

##### **5.1 Observation by Sharon and Shane Byrne**

- 5.1.1 The observers reside at 64A St. Fintan's Villas and raise concerns in relation to reduction in available light to their property, visual obtrusion, overshadowing, overbearing impact, inadequate access, overdevelopment, inadequate parking provision, inadequate open space for three properties on the site, traffic impacts, and construction concerns.

## **5.2 Observation by Anna M. Benson**

5.2.1 The observer raises concerns relating to the development comprising a third property on the site, where the addition of No. 68A (a granny flat with own door facilities) was previously developed. Further concerns relate to overbearing impact, overlooking, and property devaluation.

## **6.0 ASSESSMENT**

6.1 The proposed development comprises the siting of a two-storey house in the back garden of an existing two-storey semi-detached house. The development of this house would result in many problems due to the inadequacy of the site, the inability to adequately separate the existing house property from the proposal to allow each to function as independent dwelling units, and because the proposal would cause very significant adverse impacts on the residential amenities of neighbouring properties.

6.2 Placing a house to the rear of the existing house would result in very significant adverse impacts on the established house by way of interference with privacy. There would be a separation distance of approximately 12.83 metres between the front of the proposed house and the rear elevation of the existing house. The potential for nuisance and loss of privacy is evident by the inadequacy of such a provision. This is not a matter of eliminating windows on the west elevation or putting in design measures to minimise overlooking. This is a matter of people living in one's back garden immediately behind one's house. The functioning of such an arrangement brings with it the issue of utilisation of private amenity space conflicts, noise, access nuisance, ongoing disturbance to the private part of the established house to the rear, etc. This could not be perceived as being sustainable and the precedent that would arise would undermine future development of sustainable residential development in the wider area if it was to be followed.

6.3 Another relevant observation to make is that the existing and proposed houses could not function independently as separate residential properties. It is evident that there is an interdependence on space utilisation and, indeed, the appellants' proposals to seek to address the access and parking arrangements by way of communal parking further demonstrates this. This is a proposal for an independent detached

dwelling that seeks to rely on apartment-type development arrangements. This proposal is clearly out of context.

- 6.4 The proposed development seeks to be located at the end of the back garden where it adjoins the rear garden of No. 64A and is at a location flanked by the rear gardens of Nos. 67 and 69 Saint Fintan's Villas. There is a leylandii hedgerow along the northern flank boundary which is to be relied upon to protect the amenities of the occupiers of No. 67. There are low hedgerows along the other two flanks. Superimposing a two-storey structure that effectively incorporates the width of the back garden and abuts the rear boundary will result in this house being a significant nuisance for occupiers of the adjoining properties as it will lead to a loss of privacy, will have a significant overbearing impact by its proximity and it will cause overshadowing, particularly for the private back garden of No. 64A. The siting of this development would ensure that the private amenity spaces of the adjoining houses are no longer private in terms of their functioning as amenity spaces. It would undoubtedly impact on the value of these adjoining properties. The proposal runs contrary to any understanding of sound principles of proper planning.
- 6.5 Finally, I note provisions of the Dún Laoghaire-Rathdown County Development Plan as they relate to backland development. The proposed development is not single-storey development, cannot provide adequate independent vehicular access, has inadequate separation distance between it and the existing house, and culminates in the provision of open space for the existing and proposed houses that would not function as 'private' open space, thus failing to provide private amenity space. It clearly fails to meet with basic minimum requirements of the Plan. Overall, in the context of its impacts the proposal could not reasonably be viewed as protecting and/or improving residential amenity. Therefore, it is evident that the proposal would be contrary to the zoning provision for this site and area.

## **7.0 RECOMMENDATION**

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

### **Reasons and Considerations**

The site of the proposed development is located on lands zoned 'A' in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 with the objective to protect and/or improve residential amenity. Having regard to the restricted nature of the proposed site, its location immediately behind the established house on the plot, immediately forward of the back garden of No. 64A Saint Fintan's Villas to the rear and adjoining the back gardens of Nos. 67 and 69 Saint Fintan's Villas, the inadequacy of separation distances between the proposed development and these adjoining properties, the loss of privacy arising from overlooking and nuisance, and the overbearing impact due to its proposed location, it is considered that the proposed development would result in a gross overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would depreciate the value of these properties, would provide a substandard form of accommodation for the occupiers of the proposed dwelling due to the restricted nature of the site, would materially contravene the zoning objective for the site, and would thereby be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

December, 2016.