



An
Bord
Pleanála

Inspector's Report

PL06S.247459

Development	Erection of a Dwelling and vehicular entrance at 5 Cremorne, Knocklyon, Dublin 16
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16/0043
Applicant(s)	Sam Robinson
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	Julian and Angela Pugh
Observer(s)	None
Date of Site Inspection	30 th of January 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is a side garden of 5 Cremorne, Knocklyon. Cremorne is located off the Firhouse Road adjacent to Ballyboden GAA Club. No. 5 is Cremorne at the start of short cul de sac of 5No. detached dwellings overlooking a large green area.
- 1.2 The configuration of the site is rectangular. The site is an overgrown garden with a timber shed on it. To the rear, is 4 Cremorne, a detached two storey dwelling which is positioned perpendicular to the subject site. To the immediate south of the site, on the opposite side of the road, there are a row of detached dwellings.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development includes for the subdivision of the garden area at 5 Cremorne and the provision of a detached two storey three bedroom house (133sq.m.) with a new vehicular entrance within the side garden area which is to the south of the existing dwelling on the curtilage.

2.0 PLANNING AUTHORITY DECISION

On the 5th of September 2016, South Dublin Co. Co. granted the proposed development subject to 10No. standard conditions.

2.2 TECHNICAL REPORTS

- Water Services – Additional information required regarding location of watermain
- Irish Water – Additional Information
- Transportation – No objections
- Planning - The main assessments points included :
 - (i) Zoning acceptable
 - (ii) Design and height at 9.65metres is acceptable
 - (iii) No significant overshadowing will occur
 - (iv) Condition imposed restricting exemption rights
 - (v) Roads department satisfied
 - (vi) The reasons for refusal under SD06A/0428 have been addressed under the current proposal
 - (vii) Further Information received on 5th of September 2016 is acceptable

2.3 THIRD PARTY SUBMISSIONS

The owners of the dwelling to the rear of the development at objected to the development on the following grounds:

- There has been a refusal on the subject site for a dwelling under reference SD06A/0428, and the reasons for refusal are still valid. The building line has been brought forward
- The roof line has been increased from the existing roof line
- Boundary wall
- Separation distance
- Carparking

3.0 PLANNING HISTORY

3.1 SD06A/0428

A refusal for a four bedroomed dwelling on the subject site for 4 No. reasons.

- The scale and position will overshadow and overlook No. 4 Cremorne, and would be visually obtrusive when viewed from the front of the property.
- Out of character with existing pattern of development
- Inadequate private open space
- Undesirable precedent.

4.0 POLICY CONTEXT

4.1 Government Policy

Quality housing for Sustainable Communities – Best Practice Guidelines

Sustainable Residential Development In Urban Areas – guidelines for Planning Authorities

Urban Design Manual : A Best practice Guide

Regional Planning Guidelines for the Greater Dublin Area

4.2 South Dublin County Development Plan 2016-2022

The subject site is zoned A – to protect and/or improve Residential Amenity.

Extracts relevant to the current appeal

4.3 2.2.3 RESIDENTIAL BUILDING HEIGHT

A policy shift towards more compact and sustainable forms of development over the past two decades has resulted in increased building heights in the County. Varied building heights are supported across residential and mixed use areas in South Dublin County to promote compact urban form, a sense of place, urban legibility and visual diversity (see also Chapter 5 Urban Centres & Retailing and Chapter 11 Implementation).

HOUSING (H) Policy 9 Residential Building Heights

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 2:

To ensure that higher buildings in established areas respect the surrounding context.

H9 Objective 3:

To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

4.4 2.3.4 INTERNAL RESIDENTIAL ACCOMMODATION

Dwellings should be of sufficient size and sufficiently adaptable to enable people to live comfortably through different stages of their lives and changing household needs.

HOUSING (H) Policy Policy 14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

H14 Objective 1:

To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential

Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.

H14 Objective 2:

To support adaptable housing layouts that can accommodate the changing needs of occupants, through extension or remodelling.

2.4.0 Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

In established residential areas sustainable intensification can be achieved through infill development, the subdivision of larger houses, backland development and the development of large corner sites. Sensitive intensification will be important to revitalise areas that have stagnant or falling populations, to secure the ongoing viability of facilities, services and amenities and to meet the future housing needs of the County.

The sensitive intensification of housing development in established areas is supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), which recognises that the provision of additional dwellings in the suburban areas of towns and cities can revitalise such areas.

Standards in relation to residential consolidation are set out under Section 11.3.2 of this Plan and have been framed by the policies and objectives set out below.

HOUSING (H) Policy 17 Residential Consolidation

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 1:

To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 3:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established

residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

4.5 11.3.5

(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

5.0 THE APPEAL

5.1 Dr. Julian Pugh and Angela Pugh of 4 Cremorne has taken this third party appeal against the planning authority's decision to grant planning permission for the proposed development. A summary of the points raised in the appeal is as follows:

5.2 Introduction

- The proposal is a material contravention of the residential zoning by reason of overshadowing and overlooking, breach of established building line and precedent.
- Application drawings are erroneous. The house is 9.6metres and the surrounding dwellings are 7.4metres.
- There is insufficient open space to the rear. The house will not fit into the site.
- The objection at planning application stage should be taken into account during the appeal.

5.3 Parking Considerations

The planning decision does not take into consideration the use of the estate for parking during GAA matches. This includes parking and congestion along the two relevant cul de sacs. Yellow lines along one

side of Cremorne access has decreased available parking. Next door to Cremorne is Ballyboden St. Endas Camogie and Ladies Football Club. Cultural, sporting and social activities take place during the weekend and weekends. It has a very small carpark and the parking overflows onto the surrounding areas.

5.4 Building Height

The proposed building height is 9.3metres, and the height of adjoining Cremorne is 7.34metres. The surrounding building height is 7.3metres. The proposal will be discordant with the other houses in Cremorne. Why is there an attic space height of 3.7metres. Is it proposed to make a living or bedroom area? The height, bulk and overbearing nature of the proposed building has the effect of a three storey building or similar to the previous refused dwelling on the site.

The proposed does not comply with section SDCC Development Plan 2016-2022 section 11.2.7. It will be discordant to the point of being grotesque. There are numerous inaccuracies

5.5 Overlooking and Overshadowing

The zoning objective for the area is to protect existing residential amenity. Having regard to the orientation of the proposed dwelling. The height of the proposed development, and its proximity to the boundary, the proposal will overshadow No. 4 Cremorne and constitute an overbearing feature when viewed from other residential properties.

The gable end of the proposed dwelling is depicted as 15-17 Cremorne, this is incorrect as the direct distance is 15.5metres. This will be overbearing when viewed from surrounding dwellings.

5.6 Home Based Economic Activity not Conducive to Planning Approval

Section 11.2 states the use for boarding kennels is not permitted under RES zoning. The residents of 5 Cremorne have used the premises for boarding and other animal related services. The dwelling should not be used for commercial purposes.

5.7 SDCC Development Plan 2016-2022

The minimum standards for dwelling houses should be adhered to. For a three bedroomed dwelling, 60sq.m. is required of private open space. The rear wall of 5a Cremorne measure 10.2metres. This is inaccurate as the wall length from the pavement to the concrete shed roof of 5 Cremorne is 9.9m. The rear garden area appears to be 58.44sq.m. however, it is difficult to determine as the drawings are full of inaccuracies.

5.8 Density

It is difficult to calculate plot ratios from the drawing and to establish whether it meets with the Guidelines. The Residential Density Guidelines require a plot ratio of between 0.35-0.5. The site could be too small to accommodate an additional dwelling.

5.9 Considerations regarding Infill and Corner Site Developments

The proposed development fails to meet the following criteria in the current development plan:

- 7.2 Corner/ Side gardens as site is too small, building line does not match existing building line
- 7.3 Infill, the development does not respect existing amenities
- 7.4 Quality housing for Sustainable Communities, there is insufficient space around the dwelling
- 4.3.2 Dwelling types
- 4.3.4 Densities
- 4.9.2 Enhancing the Public Realm

5.10 Shadowing

The drawings of the shadowing on 4 Cremorne by the proposed development are not accurate and do not adopt a proper overshadowing methodology. A sample of methodology has been submitted to the Board British Standard BS 8206-2: 2008 Lighting for Buildings Part 2.

The rear bedroom windows of 5a will directly overlook the front windows of 4 Cremorne despite an inadequate attempt to angle the windows at No. 4 Cremorne away from the proposed development.

5.11 RESPONSES

5.12 The **Planning Authority** had nothing further to add to the Planning report on file.

5.13 The **Applicant's Agent** made the following points in response to the appeal:

- The relevance of parking associated with the adjoining GAA Club is not clear. The proposed development includes one carparking space to the front of the dwelling to cater for the development.
- The proposed dwelling is in line with the primary houses facing the green area No.s 5-9 Cremorne. The proposed height will not exceed that of No. 5 regardless of measurements provided. This can be conditioned.
- The proposed development will not overlook the private rear garden area of No. 4. The first floor bedrooms will not overlook the front garden area either, which is in full view by No.s 13-15 Cremorne.

- There was a shadow analysis carried out and it indicated there will be no overshadowing of No. 4.
- The proposed dwelling is for residential use only.
- The separation distance proposed between No. 5 and 5a is the same as all the dwellings along the cul de sac.
- The average width of the proposed rear garden is 9.89m and depth 6.16 which is 60.92sq.m. which meets with the 60sq.m. requirements
- The development was designed in line with development plan policies relating to infill and corner site development.

6.0 ASSESSMENT

6.1 The following are the relevant issues relating to this appeal which will be assessed in detail below:

- Compliance with Development Plan
- Planning History
- Neighbourhood Character
- Building Envelope
- Parking
- Open Space

6.2 Compliance with Development Plan

Cremorne is a long established residential estate mainly consisting of detached dwellings within a uniform suburban layout. The estate is zoned ***A – to protect and/or improve Residential Amenity.*** The proposal is for the subdivision of the residential curtilage of No. 5 Cremorne to provide an additional detached dwelling house alongside the existing dwelling, in the side garden area. No. 5 Cremorne is an end of cul de sac dwelling, positioned overlooking a large green area within a short cul de sac serving 5No. dwellings. The provision of a dwelling complies with the underlying principle of development plan residential zoning and the existing land use.

6.3 It is the development plan's policy to encourage urban consolidation and economic use of serviced lands within the development plan policies through higher densities, infill development and development of corner sites. There are detailed criteria which must be followed for corner sites outlined in Chapter 11 of the development plan, detailed below.

11.3.5

(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony.

Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Having regard to the elevation west and south along Cremorne, incorporating the existing houses and proposed house, the subject site is sufficient in size to accommodate the proposed dwelling without appearing unduly oppressive or out of character with the existing estate. The dwelling is similar in design and finish to the existing dwellings along the streetscape. It does appear to be smaller in scale and proportion, however this is to reflect the smaller site size.

6.4 Planning History

Under **SD06A/0428** South Dublin Co. Co. refused a four bedroomed dwelling on the subject site for 4 No. reasons. The dwelling was much larger than the current proposal and it was not appealed to the Board. The planning authority assessed the current proposal against all four previous reasons for refusal and considered the revised dwelling to be acceptable.

Reference to alleged animal boarding on the subject site in the appeal is beyond the remit of the Board, and should be dealt with by the planning authority's enforcement unit. I inspected the property and I did not see any evidence of these allegations during my inspection.

6.5 Neighbourhood Character

As stated above, the existing estate consists of two storey detached dwellings within a uniform layout. The subject site is positioned within a short cul-de sac overlooking a large green area. The proposed dwelling is a compact three bedroom detached dwelling. The roof style is pitched as opposed to the existing gable fronting roofs along the cul de sac. However there is a substantial pitched roof dwelling at the opposite end of the same cul-de sac where the subject site is located. I do not consider the roof design will detract from the visual amenities of the area. I consider the proposed dwelling is conducive its neighbour setting. The dwelling will project beyond the building line of No. 4 Cremorne, however this is normal within cul de sac designs and housing with perpendicular layouts.

6.6 Building Envelop

The third party appellants reside in the dwelling to the rear of the subject site at No. 4 Cremorne. Their dwelling is positioned perpendicular to the proposed dwelling. The concerns expressed by the third party on appeal relate to non-compliance with the development plan, residential guidelines and a loss of light and privacy as a result of the proposal along with an overbearing impact on their property as detailed above.

Presently the subject site is the side garden area associated with No. 5 Cremorne. The footprint of the proposed dwelling is in line with existing dwelling 5-9 Cremorne. However the building line is projecting beyond the building line of the dwellings to the rear, namely 1-4 Cremorne. The building line is within 6metres of the existing dwelling at 4 Cremorne, which is a very restricted setback. However the Board should note 3.4metres of the footprint is a single storey projection, and the two storey building line element is largely in line with the existing rear building lines of 5-9 Cremorne.

The proposed dwelling has a nominal setback form the Cremorne Road along the southern boundary. However, this does not have a direct impact on existing residential amenities. Given the south western orientation of the proposed dwelling, the proposal is unlikely to result in significant overshadowing or undue loss of light to No. 4 Cremorne. The first floor windows were redesigned at further information stage to reduce the overlooking to the front of No. 4 Cremorne. As No. 4 is perpendicular to the subject dwelling, and positioned forward of the front building line, there will be no overlooking of the rear private garden area or into opposing main windows. One has to accept this is a suburban location, and a certain level of incidental overlooking will occur form two storey dwellings. Indeed the front of No. 4 Cremorne is overlooked by the housing on the opposite side of the road, 13-15 Cremorne.

6.7 Parking

The grounds of appeal raised concern regarding the level of parking within Cremorne during sporting and social activities associated with the adjoining GAA club. This matter is traffic control issue and beyond the scope of the planning appeal. The proposed development includes one on-site parking space to cater for the proposed development which is acceptable. The Roads Department has no objection to the proposed development.

6.8 Open Space

There is 60sqm.m of private open space provided with the proposed dwelling. The third party calculated the provision at 58sq. which is marginally less than the required area. The location is contiguous to a large public open space area and playing pitches adjoining Cremorne. I consider the proposed dwelling has adequate provision in terms of amenities.

7.0 RECOMMENDATION

I recommend the planning authority's decision to grant planning permission be upheld.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, to the nature, form, scale and design of the development relative to the existing dwelling and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the provisions of the said Development Plan for the area, would not seriously injure the residential or visual amenities 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.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and on appeal, 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. The external finishes of the proposed dwelling including roof tiles/slates shall be the same as those of the existing dwelling to the east in respect of colour and texture.

Reason: In the interest of visual amenity.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse, including garden sheds, without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

6. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Caryn Coogan

Planning Inspector

16/02/2017