



An
Bord
Pleanála

Inspector's Report

PL06D.247477

Development	Demolition of existing house and existing shed and construct new dormer style dwellinghouse, site works and alterations to services.
Location	7 Mather Road, Mount Merrion, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0326
Applicant	John and Linda McCarthy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Appellants	John and Linda McCarthy
Observers	1. Carol D'Arcy 2. Ingrid and John O'Connor
Date of Site Inspection	26 th January 2017
Inspector	Mairead Kenny

1.0 Site Location and Description

- 1.1.1. The site is located in the district of Mount Merrion, which is an inner suburban area built primarily in the mid twentieth century and comprising relatively low density housing. Mather Road contains single storey houses, which appear to have been constructed in the 1950s.
- 1.1.2. A number of the houses on the street have been upgraded and substantially modified in recent years. At the head of the cul de sac a few houses have substantially altered fenestration and external finishes. None of the houses have raised or radically altered the roof profile so as to make such modifications highly visible from the public realm.
- 1.1.3. The dominant roof pattern is hipped with a brown tile finish. Only one of the houses at Mather Road is out of keeping with this general pattern, that is no. 11 which is close to the subject site and is represented in streetscape profile drawings submitted by the applicant. That house was also constructed in the 1950s and is a gable-fronted dormer style dwellinghouse which has been recently extended to the rear. An alteration to the roof at no. 5 is also visible from the street as shown in my site photographs.
- 1.1.4. I refer in more detail later to the design and layout of the existing houses at the adjoining sites no. 9 and no. 5. There is a slight slope on the street and the subject site no. 7 is at a lower level than no. 9 and higher than no. 5.
- 1.1.5. The subject house is a single storey detached dwellinghouse, which is generally I-shaped in plan and has a hipped roof. The subject house no. 7 appears to be in its original form with the exception of a small conservatory to the rear and minor alterations. Existing development on site is of stated area of 118 m², including the shed.
- 1.1.6. The stated site area is 0.055 hectares and the existing house is 16400mm in length at its deepest point including the conservatory. Excluding the conservatory the house is about 13900mm deep. The house at its widest point is stated to be 9133mm. The rear of the existing shed is approximately 7200mm from the rear of the existing house, which measurement I confirmed on site.

- 1.1.7. At the time of my inspection I also accessed the rear gardens of the two observers at no. 5 and 9 Mather Road. I can confirm that the layout of the rear of the houses numbered 5-11 is generally as show on the application drawings, with the exception of no. 11 which is marginally set back from the site boundary and where there are 3 no. trees in situ.
- 1.1.8. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1.1. Permission is sought for development comprising:
- demolition of the existing single storey house
 - construction of a new dormer style house
 - all associated site works which include alterations to services.
- 2.1.2. The development was revised by way of plans and particulars submitted to the planning authority as further information on 6th September 2016.
- 2.1.3. A second option is presented in drawings lodged with the appeal.

3.0 Planning History

- 3.1.1. There is no recent relevant history in relation to the subject site or the immediately adjacent sites.
- 3.1.2. Under Reg. Ref. 08B/0161 permission was granted at no. 11 Mather Road for works to include construction of a rear / side ground floor extension of 41 m² to include modification to fenestration and conversion and extension of attic to provide bedrooms. Conditions attached were of a standard nature.
- 3.1.3. The appeal submission details a number of applications at Mather Road and one decision of the Board at a site at Dundrum.

4.0 Planning Authority Decision

4.1. Planning and Technical Reports

Planner's report – Recommends that permission be refused.

Municipal Services – Drainage Planning – no objection subject to conditions.

Transportation Section – no objection subject to conditions.

4.2. Other Reports

None.

5.0 Decision

5.1.1. The planning authority decided to refuse permission for the reason summarised below:

- Proximity to no. 5 in conjunction with the massing and design of the roof the proposed development would be overbearing
- Overlooking of no. 9 arising from windows in north elevation
- Seriously injurious to the amenities and depreciate the value of property in the vicinity and contrary to the zoning objective.

6.0 Grounds of Appeal / Observations

6.1. Grounds of Appeal

6.1.1. The main points of the first party appeal are:

- Consistent with policy UD1, RES4 and responds to the client's needs, respects the character of the area and the pattern of development
- While a second option is presented for consideration it is requested that the Board favourably consider the proposal subject of the decision
- A sketch is enclosed

- The street has been subject to many modifications and its character is defined by building height and scale, front building setback and mature front gardens
- The development complies with the zoning and with UD1 and RES4 and with the guidance for new houses on infill sites under section 8.2.3.4(vii).

6.2. Observations

6.2.1. Carol D’Arcy (9 Mather Road South)

6.2.2. The main points of the observation include :

- Was abroad at the time of the application at no. 11, the impact of which has been negative
- Design, scale and layout of proposed development fails to respect the architectural form, quality and massing of the adjoining properties and would be out of character with the immediate surrounding area
- Scale and massing would result in visual intrusion and overbearing impacts on her property and contravene the zoning objective
- Overpowering because of its height and bulk and the manner in which it is tightly wedged between the adjacent dwellings
- The small reduction in height of a section of the ridge level does not address the reason for refusal or overcome the concerns in relation to height and bulk.

6.2.3. Ingrid and John o Connor (5 Mather Road South)

6.2.4. The main points of the observation include:

- The house and patio currently enjoy a reasonable amount of daylight and sunlight
- Regarding the sunlight assessment which acknowledges a slight impact in March but describes the shadow cast as being noticeable to a minor degree we consider that any impact on our residential amenity is unacceptable
- Due to the complexity of fenestration and chimneys the development would visually overwhelm the adjoining properties and be visually intrusive

- The roof lights in the wide elevation overlook that property and provide direct and close views to the private garden and back living room and are unacceptable also due to the 0.4m separation
- Application and appeal images are misleading – they appear to show the replacement house in line with the rear of no. 5 but in fact it extends a further 3.4m beyond the rear building line and the profile of the side elevation is discordant
- Concerns relating to overlooking, overshadowing, obtrusive and overbearing impact are all legitimate and not overcome by the minimal changes proposed.

6.3. Responses

Planning Authority response indicates that there are no issues raised in appeal which would warrant a change of attitude.

7.0 Policy

- 7.1.1. Under the provisions of the **Dun Laoghaire County Development Plan 2016-2022** the site is zoned objective 'A' (residential).
- 7.1.2. Guidance for new houses on infill houses is under section 8.2.3.4(vii).
- 7.1.3. Section 8.2.3.4(xiv) refers to demolition and replacement dwellinghouses which may be permitted if sufficiently justified.

8.0 Assessment

- 8.1.1. In relation to the principle of demolition I consider that this is acceptable having regard to its relatively modest size and to the lack of conservation policies pertaining to this area and that it accords adequately with the policy provision. The two main issues relate to the streetscape impact and to the impact on the residential amenities of the adjacent houses.

8.2. Streetscape

- 8.2.1. The parties have referred to the original conclusion of the planning authority which was that the streetscape impact of the development was acceptable. As the observers point out that conclusion was subject to verification of heights, which were subsequently shown to be inaccurate. The later comments in the planner's report in this regard refer to the protection of the amenities of the two houses. In effect the decision of the planning authority as referenced in the planner's report and the actual order does not conclude that the view from the public realm of the proposed development is of concern.
- 8.2.2. I consider that the issue of concern in terms of the public realm and streetscape impact relates to the impact of the development in the context of the immediate and wider area and to the precedent it would set.
- 8.2.3. In the various submissions there are a range of references to no. 11 as a house which is of unusual design in the context but was built largely to that form many decades ago. The proposed development when viewed in the context of a short length of the streetscape might be deemed to be largely in keeping with the character of the area. I refer for example to the contiguous elevation Drg. 16-P03-10 received by the planning authority on 11th May 2016 as amended by the subsequent submission of 6th September 2016. In this short stretch including the proposed development at no. 7 and in the context of 5 no. houses in total the development of a gable fronted house might not seem unacceptable in principle.
- 8.2.4. I am of the opinion that to conclude in favour of the development based on that image would be incorrect. I have earlier set out the extent to which in the redevelopment of a large number of houses the roof profile and ridge heights have not materially altered. I consider that no. 11 is an unusual circumstance. However I do agree with the third parties that the fact that it dates almost to the original construction of the estate is a material factor.
- 8.2.5. The proposed development which references no. 11 in its design is notably of greater dominance when considered from the public realm. Although there is broad similarity between no. 11 and the proposed development in terms of height the buildings are otherwise quite different in terms of width, fenestration and bulk. When

compared with the dominant form of housing type on this street the proposed development is grossly out of character and of excessive scale in my opinion.

- 8.2.6. I note the submission in the appeal that the street has been subject to many modifications and its character is defined by building height and scale, front building setback, front building walls and mature front gardens. That is true but it omits the fact that the dominant feature of low profile hipped roofs is retained.
- 8.2.7. I agree with the submissions on behalf of the third party that the proposal fails to respect the architectural form and massing of the adjoining properties and that it would be out of character with the immediate surrounding area, which has a particular character and where no significant interventions at roof level are evident. I consider that the development does not comply with the relevant policy
- 8.2.8. There is a requirement under section 8.2.3.4(vii) of the development plan that new infill development respect the height and massing of existing residential units. I consider that this over-rides the policy relating to Mount Merrion where a general building height of two storeys applies.
- 8.2.9. Finally, I refer to the appeal submission presented for consideration by the Board, in the event that it considers that the development considered by the planning authority is unacceptable. The revisions relate to a minor adjustment to roof ridge height and chimney heights and in my opinion are insufficient.

8.3. Residential amenities

- 8.3.1. At the time of inspection I gained entry to the rear of the subject site and to the rear of the two adjacent houses. No. 9 is largely in its original form while no. 5 was upgraded and modified about ten years ago including by way of a narrow two-storey rear extension and retaining a patio which is adjacent the proposed development.
- 8.3.2. I refer to the potential impacts at no. 9. The observer comments on no. 11 stating that the extension to the rear of that building due to its height and length has had an adverse impact on residential impact. Contrary to the representation in the site layout plan the extension at no. 11 is in fact set back from the shared boundary and trees are in place.

- 8.3.3. The planning authority has concerns in relation to overlooking from the northern elevation. I consider that the type of overlooking arising from first floor bedroom windows which face towards the rear of the site is not unusual. In this case there are two windows of this form. I do not agree with the refusal of permission by the planning authority in relation to overlooking.
- 8.3.4. Due to the location of the proposed development to the north of no. 9 no significant overshadowing results.
- 8.3.5. The potential for adverse impact at no. 9 relates to the height and mass of the proposed development. I agree with the observer that the images presented do not appear to properly portray the development as it would be viewed from the rear garden to the south. These images do however usefully represent the very significant difference between the existing house and shed and the proposed house (Figures 18.0 and 19.0 of response to further information). I consider that the development due to the rear and side building lines combined with the height and mass of the structure and the dormer features and chimney would constitute a visually obtrusive form of development.
- 8.3.6. In relation to no. 5 there is some additional overshadowing resulting from the development but in my opinion this would not warrant a refusal of permission even in combination with other factors.
- 8.3.7. I note that the observer refers also to overlooking from the proposed development. There may be a perception of overlooking from the high level windows at the kitchen and (at first floor) bathroom and wardrobe area. No actual overlooking would arise and obscure glazing could be conditioned where appropriate.
- 8.3.8. I consider that the issues in terms of the residential amenity of no. 5 again relates to the scale and height of the proposed replacement house and the extent to which it would constitute a dominant and oppressive feature when viewed from the living rooms and patio at no. 5. In my opinion the projection of over 9m from the recessed rear wall at no. 5 together with the height of the roof and the proximity of the development to the side boundary are such that a refusal of permission is warranted.
- 8.3.9. Regarding the revised roof profile presented as part of the appeal the 9m length and position of the side wall remains an issue of considerable concern and I agree with the observer that a fundamental re-design is required.

8.3.10. The Board may wish to consider the surrounding context other than the immediately adjacent houses. I note the reference to no. 11 and the comments of the owner of no. 9. That case did not come before the Board. The Board did however consider an appeal relating to no. 1 Mather Road South. I consider that the context including the pattern of development and the design of the original and proposed developments are materially different and that appeal is not of relevance to the current case. I note that the first party has referenced a case some distance from the site. As this is not in the immediate locality I do not see its relevance.

8.4. Other issues

8.4.1. A certificate of exemption in relation to Part V has been granted.

8.4.2. I note comments in relation to structural stability which I consider are largely a private matter between the parties.

8.4.3. Alterations to the vehicular entrance are acceptable.

8.5. Appropriate Assessment

8.5.1. Having regard to the nature of the proposed development, which comprises demolition and construction of a single house in a suburban location on serviced lands I am satisfied that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

6.0 Recommendation

I recommend that permission be refused for the reasons and considerations below.

Reasons and Considerations

1. Having regard to the pattern of development in the area and the scale of development proposed, it is considered that the proposed replacement house, by reason of its detailed design, scale, bulk and proximity to site boundaries, would seriously injure the residential amenities and depreciate the value of

adjoining properties by reason of visual obtrusion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Under the provisions of section 8.2.3.4(vii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 it is required that new infill development shall respect the height and massing of existing residential units. It is considered that the proposed dwellinghouse by reason of its height, gable-fronted design and first floor fenestration constitutes a form of development, which is out of character with the dominant style of house at Mather Road South. The proposed development would therefore constitute an incongruous feature and set an undesirable precedent for similar re-development proposal and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector
9th February 2017