



An  
Bord  
Pleanála

## Inspector's Report PL06S.247487

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<b>Development</b>	Demolish existing bungalow dwelling and construct two detached five-bedroom houses, 2 storey with attic.
<b>Location</b>	214 Templeogue Road, Dublin 6W.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD16A/0292
<b>Applicant(s)</b>	Adrienne Wallace
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission subject to Conditions
<b>Type of Appeal</b>	Third Party vs. grant
<b>Appellant(s)</b>	Robyn Lawlor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10/03/17
<b>Inspector</b>	Ciara Kellett

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of the Templeogue Road to the west of the Templeogue Tennis Club and on the western end of the village, opposite Ashfield College. The area is characterised by well established, medium density, suburban type housing. There is a mix of single and two storey dwellings in the vicinity of the subject site. To the east of the site there is a detached bungalow with two storey extension (the appellant's dwelling) and to the west of the site there is a flat roofed two storey semi-detached pair of dwellings. Further to the west, there are pitched roof semi-detached dwellings along the road. On the opposite side of the road there is a mix of detached and semi-detached two storey dwellings which are set back from the road.
- 1.2. There are no on-street trees but there are numerous mature hedgerows and trees in private gardens. Boundary treatment to the front of most of the houses comprises a wall (c. 1m in height) with gates. Templeogue Road is a single carriageway with cycle lanes on both sides of the road and double yellow lines in both directions in this general area. The River Dodder runs to the rear of the appeal site.
- 1.3. The appeal site is stated as being 0.1192Ha. It currently comprises a single storey bungalow with a two storey flat roof extension facing the south-west. A shed is located to the east of the site which forms part of the boundary with the neighbouring property. The site is not overlooked to the rear and the River Dodder forms the boundary to the south-east.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

Permission is sought for the demolition of the existing bungalow and the subdivision of the site to provide 2 no. two storey detached five-bedroomed houses with attic, and vehicular access on to Templeogue Road. The two dwellings proposed are a mirror image of each other and are 177.8sq.m in area, 8.759m to roof ridge height (5.95m to eaves) with a projecting front bay feature and a single storey sunroom extension to the rear. Both dwellings comprise lounge, kitchen and sunroom at

ground floor, 4 bedrooms at first floor and the master bedroom, storage and ensuite in the attic. Two car park spaces are proposed for each dwelling.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission subject to 9 conditions. Condition 2 states that revised plans are to be submitted with changes including: the reduction in side passageway between both houses to a shared 1m, and the resultant 500mm increase to be added to the boundary with house no.212; the first floor rear elevations are to be setback by 1m; driveway entrances to be no greater than 3.6m in width; and, all side windows to be provided with obscure glass with the exception of the sunroom side windows.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planner's Report**

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Area is zoned RES '*To protect and/or improve residential amenity*'. Considers demolition of house and development of two dwellings is acceptable in principle.
- Notes that three submissions/observations were received and summarises the points made.
- Notes that the site is less than 0.5Ha and therefore a site analysis is not required. Notes location comprises a number of differing forms and housing typologies and that semi-detached housing of similar height and scale are located in close proximity to the site.
- Notes proposed height is greater than the houses either side but considers the proposal complies with the policy intent of Section 11.3.2 of the Development Plan.

- Considers that while the visual impact of replacing a single storey dwelling with a two storey house is significant, it is not out of keeping with the streetscape as established.
- Notes the houses would be offset from the side boundaries by 840mm to the east and 788mm to the west. Recommends a condition to amend this.
- Considers height acceptable in a suburban area and the design is generally in keeping with the area, but considers it unfortunate that a more modern design was not proposed.
- Notes the design proposal complies with the provisions of the *Quality Housing for Sustainable Communities – Best Practice Guidelines* and that private amenity space is significantly in excess of the minimum requirements.
- Considers impact on houses either side and advises a condition of setting back the first floor by 1m on both houses would reduce overbearing on dwelling no.'s 212 and 216.
- Considers overlooking to be significant and side windows should be obscured.
- Notes the Roads Department are not satisfied to allow vehicles reverse out on to Templeogue Road and that they requested a redesign of the front area to allow vehicles to turn in the driveway. However, Planner considers that there is sufficient length and width to permit cars to turn.
- Connection of surface water drain not clear but considers this can be dealt with by way of condition.
- Recommends a grant of permission subject to conditions and the decision was in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Surface Water Drainage** – Additional information requested in respect of Surface Water connection.
- **Roads Section** – Roads section not satisfied with the proposal to reverse out on to the Templeogue Road. This is a busy footpath with pedestrians and cyclists. Requests revised layout showing a communal turning area within driveway.

### 3.3. Prescribed Bodies

- **Irish Water** – No objections subject to conditions.

### 3.4. Third Party Observations

Three submissions were received from neighbours in no's. 210, 212 and 216 Templeogue Road. In summary, the objections state:

- Nature and scale of proposal out of keeping with existing streetscape.
- Height of buildings will have detrimental effect on lighting, privacy, overlooking and overshadowing.
- A single dwelling on the site would be more appropriate.
- There is considerable erosion and subsidence by the river.
- Parking provision is inadequate for two homes.
- There is huge difficulty with the foul sewerage system currently and blockages have occurred.

### 4.0 Planning History

There are no relevant applications associated with the subject site. There have been a number of planning applications for development in neighbouring dwellings (both files attached).

- **ABP Ref. PL06S.236544** (SDCC Reg. Ref. SD10B/0018): Permission granted in August 2010 for the development of a second floor copper clad curved roof extension to both 216 and 218 Templeogue Road.
- **ABP Ref. PL06S.129843** (S02B/0108) Permission refused in September 2002 for a two storey extension to the rear and side of 216 Templeogue Road. The Board considered that the two-storey nature of the proposed extension, the proximity to the site boundary with the adjoining two-storey property to the north-east (the current appeal site), and the depth to which the extension would project outwards from the rear building line of the existing

house would seriously injure the amenities of the adjoining property by reason of overshadowing and visual intrusion.

## 5.0 Policy Context

### 5.1. Development Plan

Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Chapter 2 refers to housing, Chapter 9 to Heritage, Conservation and Landscapes and Chapter 11 refers to Implementation.

Section 2.4.0 of Chapter 2 considers Residential Consolidation – Infill, Backland, Subdivision & Corner Sites.

**H17 Objective 2** states: *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 7** states: *To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).*

Section 9.1.4 refers to Older Buildings, Estates and Streetscapes.

**HCL5 Objective 4** states: *To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.*

Chapter 11 sets out development standards and criteria. Section 11.3.1(iv) provides standards for dwellings. Four bedroom houses or more must exceed 110sq.m and provide private open space of 70sq.m. Section 11.3.1(v) addresses privacy. A separation distance of 22m should be provided between directly opposing above ground floor windows.

Section 11.2.7 addresses Building Heights. It states that *Varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.*

With respect to the appropriate maximum or minimum height of any building it states it will be determined by: *The prevailing building height in the surrounding area. The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.*

Infill sites are addressed in Section 11.3.2. It states:

*Infill Sites: Development on infill sites should meet the following criteria (inter alia):*

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual. A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

The Development Plan map for the area indicates that the NTA Greater Dublin Cycle Network Plan includes Templeogue Road.

## 5.2. **Natural Heritage Designations**

There are no designated areas in the vicinity. The Glenasmole Valley SAC (Site Code 001209) is c.6.25km to the south-west. The Dodder river runs to the rear of the site which enters the South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay and River Tolka SPA (Site Code 004024).

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A third party appeal against the decision to grant permission by the planning authority has been lodged by Reddy Charlton Solicitors on behalf of the neighbour to the east of the site in no.212 Templeogue Road. It states that there are four main grounds to the appeal. A copy of the Maud White and Michael White vs. Dublin City Council judgement accompanies the appeal. In summary, the appeal states:

### 6.2. **Overlooking/Privacy/Light Impact**

- Overlooking is significant - garden and children's play area would be overlooked by multiple windows.
- Significant consequences for privacy and overshadowing. It will obscure the direct afternoon and evening sunlight.
- Reference to the White case which refers to the issue of overlooking – considers facts are similar. It is stated that in the White case, the Supreme Court quashed a decision of the Planning Authority because it was considered that the Planning Official did not give proper consideration to the modifications which provided for overlooking.
- Condition to obscure glazing is too vague and unenforceable.

### 6.3. **Design is not consistent with the architecture of the surrounding area and is not set back sufficiently from adjoining properties**

- Disagrees with the Planner's reference to the visual impact not being 'out of keeping' with the streetscape.



- Elevations show houses are significantly higher than the adjoining properties, exceed two storeys whilst not being set back by 35m, which does not provide for a transition and does not coexist in a cohesive streetscape pattern with regard to neighbouring properties.
- Refers to reference in Planner's Report that the replacement of a single storey house with a two storey house has a significant impact.
- Submits that the application is not in compliance with standards in relation to Residential Consolidation.

#### **6.4. Parking**

- Notes Roads Department concerns with parking design and considers there is a lack of consistency with the submitted drawings and Planner's analysis of the front garden layout. Does not consider it possible to manoeuvre cars in the driveway.
- Notes Templeogue Road is affected by the NTA cycleway.
- Considers there could be potential for 10 cars if the properties are rented out.

#### **6.5. Application does not comply with Planning and Development Regulations**

- Application does not comply with Articles 16-24 of the P&D Regulations in relation to the lack of newspaper notice on file; copy of site notice on file does not indicate the type of permission applied for; and, notice is inadequate in terms of referring to difficulties in relation to traffic movement and parking.

#### **6.6. Planning Authority Response**

The planning authority confirmed its decision and considered that the issues raised by the appellant have been considered in the Planner's Report.

#### **6.7. Applicant's Response**

No response was received from the applicant.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Residential Amenities
- Design of proposal
- Parking
- Compliance with Planning and Development Regulations
- Appropriate Assessment

### 7.2. Residential Amenities

The Development Plan policies support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character of the area.

The appellant considers that the proposal will impact on privacy by way of overlooking and that there will be an impact on light.

The two storey element of the proposal to the rear does not extend past the building line of the appellant's house. The single storey sunroom does slightly extend beyond the rear building line – however, the sunrooms have been designed to be adjacent to each other and away from the boundary with the neighbouring houses.

With respect to overlooking, I consider that the windows to the side and rear of the dwellings at first and second floor could potentially overlook the garden of the appellant. However, with the exception of one window at attic level, the remaining side windows are bathroom windows and can be conditioned to be opaque glazing. There are no dimensions on the first floor side windows but they would appear to be in the order of 1800mm in height. I consider that these bathroom windows should be

reduced in height to match the attic windows which will further reduce the concerns with overlooking. The bedroom window should be opaque glazing also given its location at attic level. There are two rooflights proposed for the bedroom which will provide adequate light.

The Planning Authority included a condition to set back the first floor by 1m to alleviate concerns with overlooking from bedroom windows. I consider that windows at first floor of two storey dwellings that potentially overlook neighbours gardens are a normal occurrence in an urban area. Currently the proposed design shows the first floor being set back already by c.2m from the rear building line of the appellant's dwelling. The appellant's garage, fence and shrubbery will aid in mitigation of any overlooking concerns.

The appellant has concerns with the reduction in direct light in the early afternoon and evening. The back gardens are south-east facing and therefore enjoy light from morning until the early evening. There may be a reduction in direct light in the late summer evening to the rear of the garden, but I do not consider this to be seriously injurious to the amenities of the appellants.

I have read the White Judgement submitted as part of the appeal, and consider that it relates to modifications made to a house design during the planning application process which the Planning Authority considered did not warrant a re-advertisement, thus depriving neighbours a right to submit an objection to revised plans which resulted in overlooking of their property. The planning authority decision was quashed because new notices, including mention of modified plans which would result in overlooking, were not requested by the Planning Authority.

In summary, I am satisfied that, subject to conditions, the proposal will not have a serious negative impact on the residential amenities of dwellings in the vicinity.

### **7.3. Design of Proposal**

The appellant considers that the design of the dwellings is not in keeping with the surrounding architecture and that there is no architectural integration. There is a mix of designs along this section of Templeogue Road which provides for an unusual streetscape. To the east of the subject site there are single storey detached bungalows - some with projecting gables to the front, as well as two storey dwellings

with flat roofs and a two storey dwelling with a pitched roof and a balcony to the front. To the west of the site, there is a two storey semi-detached flat roofed dwelling of an art-deco style, and beyond that more usual two storey semi-detached dwellings with pitched roofs. Across the road there is a mix of detached and semi-detached two storey dwellings with pitched roofs.

Thus, there is no single style that defines this section of Templeogue Road. I agree with the Planning Authority that the proposal is not out of place along this road. The replacement of a single storey dwelling with two storey dwellings could be seen as a visual impact on the site – but when viewed from the road, having regard to the nature and pattern of development in the area, this is not a significant visual impact.

The appellant notes that the Development Plan states that where the proposed height is greater than the surrounding area a transition should be provided. As mentioned above, there is a variety of one and two storey dwellings in the immediate vicinity, therefore the height of the proposal will not be out of place with the prevailing building height. The contiguous elevation submitted by the applicant indicates that from house number 212 to 222, there will be four different building heights (Drawing no. 449-04).

There is no prevailing building height in the area, and neither is there a prevailing architectural style. Therefore, I am satisfied that the subject proposal will not seriously injure the visual amenities of the area.

#### **7.4. Parking**

Concerns have been raised by both the Roads Department and the appellant in relation to the off street parking. Two spaces are proposed for each dwelling.

The Roads Department expressed concerns with the original driveway layout due to the expectations that the cars would have to reverse out or in and the resultant potential safety issues with pedestrians and cycle lanes. The Roads Department requested a redesign of the front area to allow vehicles to turn in the driveway and exit the property face forward, which may include providing a communal turn area or locating the houses further back away from the road.

I consider that while the road is busy, the situation presented is no different to that of the neighbours or as currently exists. The Planning Authority applied a condition to

reduce each driveway entrance from 4.367m to the standard 3.6m in width. However, to provide maximum manoeuvrability, I consider that the driveways should remain at 4.367m in width which will aid in the entering and exiting the driveway. In conclusion, I consider that parking is acceptable.

#### **7.5. Compliance with Planning and Development Regulations**

The appellant states that the application does not meet the requirements of the Planning and Development Regulations. The Planning Authority accepted the application as a valid application. From a review of the file, it would appear that all the necessary documentation has been submitted. The copy of the Site Notice does not appear to have been marked in terms of the type of permission being applied for, but the onsite original was deemed acceptable by the Planning Authority's Site Inspector.

#### **7.6. Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

#### **8.0 Recommendation**

8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

#### **9.0 Reasons and Considerations**

Having regard to the location of the site on residentially zoned lands and to the compliance with the development standards for infill development in the South Dublin County Development Plan 2016 - 2022, to the acceptable scale and design of the dwellings, 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 seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, 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, 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 proposed development shall be amended as follows:
  - (a) The windows on the side façade of each dwelling adjacent to existing adjoining properties, not including the sunroom, shall be permanently provided with obscure glazing.
  - (b) The first floor side windows are to be reduced in height to match the attic windows.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and boundary treatment shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Each of the dwellings shall be occupied as single dwelling units and shall not be sub-divided or used for any commercial purposes.

**Reason:** In the interest of residential amenity.

5. 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.

6. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and material to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian and cyclist safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

8. 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 interests of public safety and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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Ciara Kellett  
Inspectorate

10<sup>th</sup> March 2017