



An  
Bord  
Pleanála

**PL06D.247491**

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**Development**

New two storey plus attic detached dwelling on existing site to the south and east, with new driveway from Brennanstown Road and relocated existing driveway, new separate waste water treatment systems for existing and new dwellings and all associated site works.

**Location**

“Ingleside”, Brennanstown Road,  
Dublin 18.

**Planning Authority**

Dun Laoghaire-Rathdown County  
Council

**Planning Authority Reg. Ref.**

D16A/0594

**Applicant(s)**

David Murray

**Type of Application**

Permission

**Planning Authority Decision**

Refusal

<b>Type of Appeal</b>	First party -v- Decision
<b>Appellant(s)</b>	David Murray
<b>Observer(s)</b>	Mr & Mrs Edward Hollingsworth Embassy of the Republic of Korea
<b>Date of Site Inspection</b>	18 <sup>th</sup> January 2017
<b>Inspector</b>	Hugh D. Morrison

## 1.0 Site Location and Description

- 1.1. The site is located 0.65 km to the north east of Junction 15 on the M50 and 0.4 km north of the Carrickmines Luas stop. This site abuts the south eastern corner of the junction formed by the Claremont Road/Glenamuck Road North (R842), a north/south route, and the Brennanstown Road/Brighton Road, an east/west route. It forms the north eastern corner of an area of predominantly substantial detached dwelling houses on large individual house plots. Beyond this area to the north and west lie areas of denser suburban dwelling houses, including examples of infill residential development on Brennanstown Road.
- 1.2. The site itself is of regular shape and it slopes gently in a southerly direction. This site, which is continuous with the existing house plot, extends over an area of 0.3808 hectares, of which 0.1585 hectares would be comprised in the development site for the proposed new dwelling house. Vehicular access is from Brennanstown Road and dedicated pedestrian access is from Glenamuck Road North. The site boundary walls to these Roads have been rebuilt in a setback position in conjunction with a recent road widening scheme. Tree planting has been undertaken on the inside of the boundary wall along the former Road. Mature trees contribute to the character of this Road to the east. The remaining eastern and southern boundaries are with “Seuol Manor”, the Embassy of the Republic of Korea, and “Hillside”, a one and a half storey dwelling house with dormer windows on its northern and southern roof planes. The former boundary is denoted by a c.1.8m high concrete wall and the latter boundary is denoted by a c.1m high concrete wall with, variously, trellis work and metal uprights/barbed wire. Both walls are covered in places by vegetation.

## 2.0 Proposed Development

- 2.1. The existing two storey detached dwelling house (446 sqm), which is sited on a diagonal alignment centrally within the northern portion of the site, would be retained. The proposed part single/part two/part two and a half storey dwelling house (455 sqm) would be sited towards the south eastern corner of the site. The single storey portion of this dwelling house would be aligned so as to parallel the south eastern elevation of the existing dwelling house and it would be “bookended” by the multi-storey portions at the eastern and southern extremities of the single storey portion.

These portions would comprise either a semi-circular or a circular feature along with gabled elevations. While the single storey portion would have a south easterly aspect only, its double pitched roof would contain extensive glazing with it. Finishing materials would include masonry, render, and natural slate.

- 2.2. The proposed dwelling house would be served by garden areas along the eastern and southern boundaries of the site and by one that would be enclosed by the dwelling house and the south eastern corner of the site. As originally proposed, the new dwelling house would have been accessed via a new vehicular entrance from Brennanstown Road to the east of the existing vehicular entrance to the site. However, at the appeal stage this entrance has been omitted in favour of modifications to the existing one that would combine the two entrances around a single access point. Also, at this stage, the finished ground level of the development is proposed to be reduced by 600 mm to coincide with that of "Hillside".
- 2.3. Both dwelling house would each be served by a Sepcon Tricel – Advance Aeration Sewage Treatment System. The one for the existing dwelling house would be installed in the south western portion of the retained garden and the one for the proposed dwelling house would be installed in the proposed western garden. The dedicated pedestrian access to this garden from Glenamuck Road North would be retained.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refused for the following reason:

*Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, including Section 8.2.3.4(v), to the irregular shape of the subject site with restricted width in parts, to the height and scale and unappealing design of the two storey element adjoining the southern boundary, to the proximity of the other two storey element to the eastern boundary, it is considered that the proposal would be visually overbearing and unappealing, may cause overshadowing of the property to the east and would constitute over development of this restricted site. The proposed development would, therefore, seriously injure the amenities of property in the vicinity*

*and would be contrary to the proper planning and sustainable development of the area.*

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

#### **3.2.1. Planning Reports**

See reason for refusal.

#### **3.2.2. Other Technical Reports**

- Environmental Health: No objection, subject to conditions.
- Surface Water Drainage: No objection, subject to conditions.
- Transportation: Advises that the applicant should consider a shared entrance that would replicate existing sightlines.

### **3.3. Prescribed Bodies**

- Irish Water: Advises the proposed dwelling house must be served by a separate connection to the public water mains from the existing one.

### **3.4. Third Party Observations**

See observations below.

## **4.0 Planning History**

The site:

- D06A/0747: Renovation and extension of existing two storey dwelling house + provision of a wider entrance gateway: Permitted.
- D08A/0163: Demolition of existing boundary walls to Glenamuck Road and Brennanstown Road and construction of new walls along revised boundary lines, including retention of existing pedestrian gateway on the former Road and the provision of a new vehicular gateway on the latter Road: Permitted.
- PAC/71/15: Two dwellings discussed for the site.
- PAC/40/16: Precursor to current proposal.

- V/069/16: Part V certificate of exemption granted on 20<sup>th</sup> September 2016.

Neighbouring site “Glenheather”:

- D15A/0035: Demolition of outbuildings + construction of dwelling house + provision of new vehicular access: Refused at appeal PL06D.245031 on the grounds of over development, loss of character, visual amenity, and poor sightlines/road safety.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Dun Laoghaire-Rathdown County Development 2016 – 2022 (CDP) shows the site as lying within an area that is the subject of zoning objective “A”, “To protect and/or improve residential amenity.” This Plan also shows the junction adjacent to the site as being the subject of the following specific local objective, “To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.” Its Section 8.2.3.4(v) addresses corner/side garden sites.

### **5.2. Natural Heritage Designations**

None

## **6.0 The Appeal**

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

The following amendments have been made to the proposal:

- The dwelling house would be reduced in level by 600 mm.
- The extent of the eastern two storey element would be reduced.
- The proposed entrance would be revised to show a shared one rather than two separate ones.

The following grounds of appeal are cited:

- The site would be capable of accommodating an additional dwelling house in a manner compatible with amenity and its provision would accord with the CDP's promotion of densification.
- The proposed dwelling house would be sited in the south eastern corner of the site and so its visibility from adjacent roads would be limited. The aforementioned amendments would ensure that relationships with the adjoining residential properties are eased, i.e. concerns with respect to obtrusiveness and overshadowing would be mitigated thereby.
- Concerns with respect to overlooking should be seen within the context of the particularly high boundary walls to the site, which would be retained.
- Concerns over the narrowness of the plot are misplaced, as it would be large and capable of being attractively landscaped. Thus, over development would not ensue.

The grounds of appeal are accompanied by a design response to the planning authority's reason for refusal, which includes, too, an outline of the approach to landscaping that would be adopted in each of the three distinct spaces that would serve the proposed dwelling house.

## **6.2. Planning Authority Response**

The revised entrance proposals would be acceptable. However, notwithstanding other amendments to the proposed dwelling house, objection is maintained.

## **6.3. Observations**

(i) Mr & Mrs Edward Hollingsworth of "Hillside", Glenamuck Road

- Attention is drawn to the level of "Hillside", which is 600 mm below that of the site. The proposed WWTP would be installed adjacent to the common boundary. A site suitability test is requested and the installation of a land drain on the site side of the said boundary.

- The southern element of the proposed dwelling house would be sited immediately adjacent to the common boundary and its height would cause it to have an overpowering relationship with “Hillside”.
- Overlooking would occur from the attic level semi-circular windows in the western elevation and the rooflights in the southern elevation of the southern element of the proposed dwelling house. The latter should be opaque glazed.

(ii) Embassy of the Republic of Korea, Brennanstown Road

- Attention is drawn to the prominent position of the site adjacent to the road junction to the north west and the lack of tree cover on the same, which contrasts with that of comparable sites to the east on Brennanstown Road. (A remaining tree on the site adjacent to this Road would be lost as part of the proposal). This junction is the subject of a specific local objective that has led to the publication of a draft Traffic Management Scheme. As the observer’s property is a diplomatic residence, it is exempt, under the Vienna Convention, from any CPO that may be contemplated to widen Brennanstown Road to the east of the site.
- The amendment to the proposed entrance would continue to be served by a sub-standard easterly sightline.
- The amendments to the proposed dwelling house would have no appreciable effect upon the impact of this dwelling house upon the amenities of the diplomatic residence to the east.
- The proposal should be considered under not only Items (v) and (vii) of Section 8.2.3.4 of the CDP, but under Item (vi), too, as it would constitute backland development.
- The scale of the proposed dwelling house would cause it to be overbearing.
- The eastern elevation of the three storey southern element of the proposed dwelling house would overlook the grounds of the diplomatic residence and it would thus jeopardise the amenity and security of the same.
- The eastern element of the proposed dwelling house would be sited close to two specimen trees within the grounds of the diplomatic residency. This



element may undermine these trees, the loss of which would further exacerbate the aforementioned loss of amenity and security.

## 7.0 Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties and the observers. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and development standards,
- (ii) Visual and residential amenity,
- (iii) Access and parking,
- (iv) Drainage, and
- (v) AA.

### **(i) Land use and development standards**

7.1.1 Under the CDP, the site is shown as lying within an area that is subject to the “A” zoning objective, within which residential is permitted in principle. Generally, this Plan encourages the densification of existing built up areas as an expression of sustainable development.

7.1.2 Under the proposal, the existing dwelling house in the northern portion of the site would be retained and a new one added within the southern portion, orientated towards the south eastern corner. Section 8.2.3.4 of the CDP discusses “Additional accommodation in existing built up areas.” Under this Section, Items (v), (vi), and (vii), variously, relate to corner/side garden sites, backland sites, and infill sites. Observer (ii) states that, in addition to assessing the proposal under Items (v) and (vii), it should be assessed under Item (vi). However, as this Item specifically excludes residential development within the grounds of larger detached dwelling houses, I am not inclined to run with this suggestion. Instead I consider that Item (vii) is of most relevance, only, as it loops back to Item (v), the two fall to be consulted.

7.1.3 The proposed dwelling house would extend over an area of 455 sqm. This dwelling house would thus provide ample accommodation for future occupiers

and it would be served by three separate garden areas, which in total would provide an adequate area of private open space.

7.1.4 I conclude that there is no in principle land use objection to the proposal and that it would afford a satisfactory standard of amenity to future occupiers.

**(ii) Visual and residential amenity**

7.2.1 The proposal would lead to the contraction of the existing house plot along its eastern and southern sides and over its south eastern corner. This proposal would entail the construction of a new dwelling house in the said south eastern corner. The single storey portion of this dwelling house would be laid out on a diagonal alignment, which would parallel that of the south eastern elevation of the existing dwelling house. This portion would be “bookended” by a two storey portion to the east and a two and a half storey portion to the south. These portions would be accompanied by, variously, a semi-circular and a circular tower feature, which in both cases would be attached to gabled built forms. This layout of the proposed dwelling house would intentionally permit a line of sight from the upper floor windows in the south eastern elevation of the existing dwelling house over the said single storey portion. At their closest this elevation and the corresponding north western elevation of the blank single storey portion would be 15.8m apart.

7.2.2 Due to the variety of forms and features that would be comprised in its design, the proposed dwelling house would be a complicated structure. However, a balance and coherence across the structure would be apparent with the smaller scale eastern “bookend” incorporating the semi-circular tower and the larger scale southern one the fully circular tower. The utilisation of the south eastern corner of the site in conjunction with the aforementioned layout would facilitate the provision of attractive outlooks to both the existing and proposed dwelling houses.

7.2.3 The planning authority refused permission on the grounds that the proposed dwelling house would be visually overbearing and unappealing, it may cause overshadowing to the east, and it would constitute over development. Observer (i) draws attention to the difference in adjoining site levels and underlines the first of these concerns and adds that overlooking would arise. Observer (ii)

likewise underlines the first of these concerns and they state that overlooking would have security, as well as amenity, implications. They also state that the clarifying amendments to the eastern portion of the dwelling house would have no appreciable effect on overshadowing and they express concern over the welfare of specimen trees on their property, which are adjacent to the common boundary with the site.

7.2.4 The applicant has responded to the aforementioned critique of the planning authority by making the following points:

- The visibility of the proposed dwelling house would be eased by its relative remoteness from surrounding Roads and by the presence of an existing boundary wall to the east and a proposed higher one (2.5m) to the south.
- On the basis of the 600 mm reduction in the level of the site (87.6m OD), the relative ridge heights of the proposed dwelling house, the main dwelling house at “Hillside”, and the substantial outbuilding at “Hillside” would be/are 96.3m, 95.2m, and 94.61m, all OD.
- The eastern portion of the proposed dwelling house would have a narrower two storey side elevation than originally depicted on the submitted plans, i.e. its width would be 7.65m rather than 9.45m. Consequently, this elevation would overshoot the line of the rear elevation to the adjacent single storey outbuilding to the Embassy by 2.3m rather than 4.1m and so the overshadowing of this outbuilding would be eased.

7.2.5 In relation to the first point, while I accept that the profile of the proposed dwelling house from surrounding Roads would be limited, I am concerned that from neighbouring properties to the east and the south this would not be so.

7.2.6 In relation to the second point, I note that the separation distance between the north eastern corner of the dwelling house at “Hillside” and the south western corner of the southern portion of the proposed dwelling house would be 17.3m and that these corners would be offset in relation to one another on a roughly north/south axis. The presenting southern elevation would be 9.7m wide and above the proposed 2.5m boundary wall the expanse of blank elevation to eaves height would be 3.35m. The centre piece of this elevation would be a substantial chimneystack which would approximate to the ridge height. This

elevation would be seen in conjunction with existing outbuildings that adjoin the northern boundary to “Hillside”, i.e. a smaller one and the aforementioned substantial one, both of which correspond directly with the northern elevation of the dwelling house. That said, the proposed southern elevation would, due to its height, expanse, and proximity to the common boundary, appear as an unduly large and hence visually obtrusive built form. While the presence of several deciduous trees within the grounds of “Hillside” would provide some partial seasonal screening of the said elevation, I am concerned that the resulting visual impact would be insufficiently mitigated thereby.

7.2.7 In relation to the third point, while I recognise that overshadowing would be reduced, I am concerned that the proximity of the side elevation in question to the adjacent single storey outbuilding would lead to some overshadowing that would otherwise be avoidable if the dwelling house was set back from the common boundary concerned.

7.2.8 Turning to overlooking, the rooflight to the stairs in the southern roof plane of the southern portion of the dwelling house would be opaque glazed and its outlook would in any event be restricted by the presence of an adjacent chimneystack. The semi-circular attic windows in the eastern elevation of this portion would also be opaque glazed, leaving only the equivalent windows in the western elevation clear glazed. The outlook into “Hillside” from these windows would be restricted somewhat by the presence of the aforementioned substantial outbuilding. However, some overlooking of otherwise private open space in the grounds of “Hillside” would ensue. Overlooking from the first floor bedroom window in this elevation would be more restricted by the said outbuilding, while the equivalent bedroom window on the eastern elevation would overlook the Embassy grounds over a distance of 19.54m. The proposed first floor studio window in the southern elevation of the eastern portion of the dwelling house would also overlook these grounds.

7.2.9 Observer (ii) has raised the issue of security with respect to the aforementioned overlooking of the Embassy grounds. While there are two large mature specimen evergreen trees on the far side of the common boundary, due to their raised canopies the screening properties that they would afford are limited. During my site visit I observed that the canopy spread of these trees

does not overhang the said common boundary and so I am not concerned that the proposed dwelling house would adversely affect their welfare.

Nevertheless, the overlapping issues of amenity and security would remain outstanding.

7.2.10 The planning authority considers that the proposal would represent over development. Two ways of tracking over development are that of plot ratio and site coverage. In relation to the former, I calculate it to be 0.287 and, in relation to the latter, I estimate it to be 22.5%. These measures do not indicate that over development would occur. However, in the light of my foregoing assessment, the appearance of over development would be created by the scale of the proposed dwelling house and, in particular, its proximity to the common boundaries with properties to the east and south.

7.2.11 I conclude that the proposal would be incompatible with safeguarding the existing visual and residential amenities of the area.

### **(iii) Access and parking**

7.3.1 As originally submitted, the proposal would have entailed the construction of a new vehicular access to the site, to the east of the existing one. This aspect of the proposal was critiqued by the County Council's Transportation consultee, who advised that the proposed vehicular access could be omitted in favour of one that would share the existing access point from Brennanstown Road. At the appeal stage, the applicant has submitted plans that reflect this advice and so the entrance gates to the existing and proposed dwelling houses would be sited to the rear of a refuge area and the existing access point.

7.3.2 Under Table 4.2 of DMURS, as Brennanstown Road is the subject of a 50 kmph, the required dimensions for sightlines accompanying side roads connecting to this Road would be x and y distances of 2.4 or 2m and 45m. The access point in question does not/would not have the status of a side road and it is one of a number of such access points to residential properties along Brennanstown Road. Nevertheless, the said dimensions would be desirable to achieve. To the west such a sightline would be available, to the east, the y distance would be restricted to c.16m, due to the termination of a public

footpath/grass strip and the projection to the kerbside of the enclosed front garden to the neighbouring Embassy.

7.3.3 Under Policy ST25 of the CDP, the planning authority undertakes to improve the road network and amongst the schemes envisaged in this regard is a Traffic Management Scheme for Brennanstown Road, which following a public consultation exercise is now the subject of a Part 8 proposal. This Scheme would include the provision of ramps, raised tables and a roundabout, in a bid to reduce traffic speeds along Brennanstown Road. It does not envisage an extension of the public footpath/grass strip to the east of the site and on the nearside of the said Road. Thus, while the sub-standard sightline would persist, the prospect exists of lower speeds along Brennanstown Road.

7.3.4 I consider that, while the proposal would generate an increase in traffic movements to and from the site, the proposed dual use of the existing access point would be the optimum arrangement and in view of the pre-existence of this access and the incidence of other such accesses along Brennanstown Road and in view of the said Traffic Management Scheme, I am prepared to accede to its dual use.

7.3.5 Proposed on-site car parking would entail the provision of four spaces that would be laid out in a positions adjacent to the front boundary wall to Brennanstown Road. An attractive alder tree would be removed to facilitate the construction of these spaces. Given the dearth of mature trees along the said frontage, I consider that this tree should be retained and the proposed car parking spaces re-arranged accordingly. If the Board is minded to grant the proposal, then this matter could be conditioned.

7.3.6 I conclude that the proposed revised access arrangements would not, in the presence of the proposed Brennanstown Road Traffic Management Scheme, warrant objection and that the proposed off-street car parking spaces would, subject to their re-arrangement to facilitate the retention of a mature alder tree, would be satisfactory.

#### **(iv) Drainage**

7.4.1 The site is not served by a public foul water sewer. Thus, the existing dwelling house is served by an on-site septic tank that is sited in the proposed

development site. As this dwelling house would be retained and an additional one constructed on this site, the proposal includes within it a replacement and a new waste water treatment plant (WWTP) and it is accompanied by completed site characterisation forms (SCF) for the two sites selected as percolation areas. Thus, the former WWTP would be sited in the south western corner of the retained original house plot and the latter WWTP would be sited in the western portion of the development site, in a position parallel to the other one.

7.4.2 The completed SCFs indicate that bedrock was detected at 700 mm and that ground water would be a potential target, hence there is a need to ensure that minimum sub-soil depths are available. The “T” values recorded are variously 9.83 and 8.17 min/25 mm, which indicate that the sub-soil is permeable.

7.4.3 The completed SCFs recommend that three stage WWTPs be installed, with the third stage entailing the construction of a sand polishing filter. The WWTPs selected are the Sepcon Tricel – Advance Aeration Sewage Treatment System. Details of this System indicate that the sand polishing filter would have a depth of 1300 mm above 300 mm of permeable top soil. Given the aforementioned occurrence of bedrock at 700 mm in the retained house plot and the fact that the revised proposal would entail the reduction of this depth to 100 mm across the development site, the installation of the Systems would clearly be partially or substantially raised above existing and proposed ground levels. In the case of the development site the proposed lowering of existing ground levels does not appear to have been worked through in conjunction with the installation requirements of the said System and so the retention of existing ground level across this portion of the site would appear to be necessary. If the Board is minded to grant permission, then the correction in this respect and its implications for hard and soft landscaping could be the subject of a condition.

7.4.4 Observer (i) requests that a land drain be laid along the inside of the common boundary between the site and their property to the south. I consider that this request should be acceded to in conjunction with a surface water drainage scheme for the overall site. Again, if the Board is minded to grant permission, then such a scheme could be conditioned.

7.4.5 I conclude that the proposed WWTP for the development site would necessitate the retention of existing ground levels across the western portion of the development site. I also conclude that surface water drainage scheme for the overall site should be undertaken.

**(v) AA**

7.5.1 The site does not lie either in or near to any Natura 2000 site. I am not aware of any source/pathway/receptor routes between the site and the Natura 2000 sites in the wider area. I therefore do not consider that the proposal would have any significant effect upon the Conservation Objectives of these sites.

7.5.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the nearest European site, 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**

In the light of my assessment, I recommend that the proposal be refused.

## **9.0 Reasons and Considerations**

The proposal would, due to its scale, design, and proximity to common boundaries with adjoining properties to the east and south, appear as a visually obtrusive form of development, which would lead to overlooking and overshadowing of these properties. Consequently, this proposal would be seriously injurious to the visual and residential amenities of these properties and, as such, it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

25<sup>th</sup> January 2017