



An
Bord
Pleanála

PL06D.247564

Development

Demolition of single storey extension to the existing medical centre and change of use from medical centre to dwelling house, including the construction of single storey extensions to front and rear and attic conversion with dormer window and the construction of 2 two storey three-bed semi-detached dwelling houses and the blocking up of existing medical centre vehicular entrance and provision of 3 new vehicular entrances.

Location

67 Churchtown Road Upper,
Churchtown, Dublin 14

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D16A/0545

Applicant(s)

Paul O'Bryne

Type of Application

Permission

Planning Authority Decision

Grant, subject to 13 conditions

Type of Appeal	Third Party -v- Decision
Appellant(s)	Danielle Colbert
Observer(s)	None
Date of Site Inspection	18 th January 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1 The site is located on Churchtown Road Upper, c.130m to the west of Churchtown Village in a predominantly residential area composed of typically two storey semi-detached suburban dwelling houses. Further west, the secondary school, De La Salle College, lies on the northern side of Churchtown Road Upper and Barn Elms Industrial Estate lies opposite on the southern side of this Road.
- 1.2 The site itself lies on the north western corner of the “T” junction formed between Churchtown Road Upper and Landscape Park. This site is amorphous and it extends over an area of 0.0725 hectares. The site presently accommodates a detached two storey house with a flat roofed single storey extension (combined floorspace of 150.51 sqm) to its exposed eastern side. This house is in use as a medical centre, i.e. a dental surgery. Pedestrian access is from the front, off Churchtown Road, and vehicular access is from the side, off Landscape Park. There is a car park to the front of the single storey extension and to the rear of the extended house.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the single storey extension (52.69 sqm) and a change of use of the house from a medical centre to a two storey dwelling house, including the construction of single storey extensions to the front (lean-to form with a floorspace of c.11 sqm) and rear (flat roofed form with a floorspace of c.29 sqm) and an attic conversion, which would be served by a dormer window on the rear roof plane.
- 2.2. The proposal would also entail the construction of 2 two storey three-bed semi-detached houses (c.107 sqm each). The more easterly of the two would have a stepped eastern side elevation, which would “fit” the tapered form of the site along its eastern boundary. The rear elevations of these dwelling houses would have part single and part two storey returns.
- 2.3. The existing vehicular entrance would be blocked-up and 3 new vehicular entrances from Churchtown Road Upper would be formed along with parking for two cars side-by-side. Rear gardens would be provided for each of the dwelling houses. These

gardens would be of largely diagonal alignment, again, to reflect the said eastern boundary to the site.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information requested with respect to SuDS, the design of the proposed driveway to the proposed dwelling house denoted as No. 67B, the floor areas of the respective dwelling houses, and the proposed finishes to the new roofs and dormer window. The applicant responded satisfactorily to this request.

3.2.2. Other Technical Reports

Transportation: Following receipt of further information, no objection, subject to conditions.

Surface Water Drainage: Following receipt of further information, no objection, subject to conditions.

3.3. Prescribed Bodies

Irish Water: Standard observations

3.4. Third Party Observations

See grounds of appeal.

4.0 Planning History

Site

- D01A/0108: Retention of change of use of first floor of dwelling to medical centre: Permitted.
- D15A/0516: Demolition of single storey side extension, retention of medical centre, and construction of pair of two-storey semi-detached dwelling houses: Refused on the grounds of inadequate parking, amenity, and instances of sub-standard room width and area.
- V/097/15: Part V exemption certificate granted.
- Pre-application consultation was held on 6th October 2015.

Adjacent site

- D07A/0213: Two dwelling houses to the rear of the dwelling house at No. 69 Churchtown Road Upper: Permitted and implemented.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is the subject of zoning objective “A”, “To protect and/or improve residential amenity.” Under this objective, residential is permitted in principle. Policies RES 3 & 4 address residential density and Sections 8.2.3.4 (i) & (v) and 8.2.8.4 address domestic extensions, corner/side garden sites, and private open space, respectively.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- Contrary to Section 8.2.3.4 (v) of the CDP, the proposal would entail a major breach of the established building line along the western side of Landscape Park.
- The proposal would entail the replacement of a single vehicular access off Landscape Park with three vehicular accesses off the busier Churchtown Road Upper, which serves the neighbouring De La Salle College. Use of these accesses would involve reversing manoeuvres in the vicinity of an irregular junction and across a footpath used by pupils.
- The proposed car parking spaces for the dwelling house denoted as No. 67B are critiqued in the basis that the eastern one would be too shallow and so overhanging of the footpath would arise and the width of the entrance gateway would exceed the CDP's standard of 3.5m.
- The rear garden to the dwelling house denoted as No. 67 would be below the minimum standard of 60 sqm and the diagonal alignment of the rear gardens would lead to overlooking of the same by neighbours.
- Site levels are omitted.
- The depiction of the north eastern corner of the site is inconsistent with the layout of the same "on the ground".
- The density of the development would depart from that exhibited by the existing neighbourhood.
- The scale, mass, and bulk of the proposed dwelling houses would be overbearing and out of character with the surrounding area.
- The width of the living room, at 2981 mm, in dwelling house denoted as No. 67B would be sub-standard.
- The external corner of the kitchen in the dwelling house denoted as No. 67B would be a mere 356 mm from the boundary wall to Landscape Park, thus constituting a particularly narrow pinch point.

6.2. Applicant Response

The appellant's address is given as that of the site and so the Board is invited to dismiss the appeal under Section 138 of the Planning and Development Act, 2000 – 2015.

Attention is drawn to the unattractive side extension and car park on the site and the prospect that the proposal presents of an architecturally more satisfactory development upon this site. Attention is also drawn to the CDP's promotion of densification.

The applicant addresses the grounds of appeal as follows:

- In terms of road hierarchy, Churchtown Road Upper is primary and Landscape Park is secondary. In urban design terms a visual tightening of the unduly wide junction between these streets would be appropriate. The design of the proposed dwelling house denoted as No. 67B would reflect its corner siting and the visible rear elevation of this dwelling house and that of No. 67A would not be unattractive.
- The Transportation advice of Dun Laoghaire-Rathdown County Council raises no objection to the proposed accesses. The boundary to Landscape Park would be punctuated by a pedestrian access to No. 67B.
- The vehicular access to No. 67B was revised under further information to meet the requirements of Transportation.
- The planning authority raised no objection to the proposed rear gardens. The one at No. 67B would have an area of 57.6 sqm, which represents a nominal shortfall only.
- Ground and floor levels are shown on the submitted plans, which were, in any event, validated.
- The issue with respect to the north eastern corner is unclear and of no great consequence.
- The appellant's density critique is not developed and it does not engage with the CDP's promotion of densification.

- The appellant’s critique of the scale and mass of the proposal is considered to be mis-placed, as the existing and new dwelling houses would respect the character of Churchtown Road Upper.
- The livingroom in question would exceed the relevant minimum area and it would span the width of the dwelling house. While somewhat elongated, this room would be well lit and it would afford a good standard of amenity.
- The proximity of the external kitchen corner to an adjacent boundary is not considered to be of any relevance.

6.3. **Planning Authority Response**

No new matters are raised that would prompt a different approach to the proposal.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

The applicant invites the Board to exercise its discretion, under Section 138 of the Planning and Development Act, 2000 – 2015, and to dismiss this appeal. However, I consider that, as it raises questions of planning substance, dismissal in this case would not be appropriate.

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

- (i) Land use and density,
- (ii) Streetscape,
- (iii) Development standards,

(iv) Access and parking, and

(vi) AA.

(i) Land use and density

7.1.1 Under the CDP, the site is located within an area that is subject to the zoning objective “A”, “To protect and/or improve residential amenity.” Under this objective, residential use is “permitted in principle”, while a doctor/dentist’s surgery is “open for consideration”.

7.1.2 Policies RES 3 and RES 4 promote the densification of serviced urban sites. Under the proposal the existing house on the appeal site would be returned to residential use and two additional dwelling houses would be introduced into this site. Thus, densification would be promoted thereby.

7.1.3 I conclude that there is no in principle land use objection to the proposal and it would represent the densification of the site in line with CDP policies.

(ii) Streetscape

7.2.1 The site lies within the north western corner of the “T” junction formed by Churchtown Road Upper and Landscape Park. It is thus a corner site. Section 8.2.3.4(i) of the CDP addresses such sites.

7.2.2 The appellant draws attention to the item cited in the aforementioned Section which states that building lines should be followed where appropriate.

7.2.3 The existing extended house on the site follows the front building line exhibited by the 2 pairs of two storey semi-detached dwelling houses to the west at Nos. 59 – 65 (odd, inclusive). The detached two storey dwelling house at No. 57 is set back from this line and the two storey dwelling houses at Nos. 69 – 73 (odd, inclusive), on the far side of the junction described above, are set forward of it. At present the said line is breached by single storey front lean-to extensions at Nos. 63 and 65. The proposal would entail the addition of a single storey front lean-to extension to the existing house on the site and the two proposed ones would also have single storey front lean-to elements. While the proposed extension/elements would be deeper than the existing extensions in the row, they would not appear out of place.

- 7.2.4 Along the western side of Landscape Park to the north of the site the pairs of two storey semi-detached dwelling houses exhibit a consistent front building line. The existing side extension on the site breaches this line. However, its flat roof single storey form, relative remoteness from the nearest of the said dwelling houses, and the presence of boundary walls around the curtilage to the rear ensures that the resulting streetscape impact is slight.
- 7.2.5 The appellant expresses concern that the proposed construction of 2 two storey semi-detached dwelling houses in place of the existing single storey side extension would entail a major breach of the aforementioned building line on Landscape Park. The applicant has responded to this concern by drawing attention to the local road hierarchy, wherein Churchtown Road Upper is primary and Landscape Park is secondary. The view is expressed that a tightening of the entrance to Landscape Park would be appropriate in streetscape terms. The view is also expressed that the design of the more easterly of the two proposed dwelling houses would “fit” the shape of the site and that the rear elevations of these dwelling houses, which would be visible from within Landscape Park, would not be unattractive.
- 7.2.6 During my site visit, I observed that the entrance to Landscape Park is wide due to the presence of sweeping radius kerbs resulting from the acute/obtuse angles formed between the primary and secondary roads and the set-back siting of the dwelling houses on either side at Nos. 67 and 69 Churchtown Road Upper, i.e. the separation distance between corresponding gabled side elevations is between 36 and 37m. These two properties occupy wider plots than surrounding ones and so they both have/had potential for new build development. The latter property has been developed by the construction of a pair of two storey semi-detached dwelling houses to the rear of the pre-existing dwelling house, i.e. Nos. 69A and 69B. These dwelling houses have been sited in positions whereby they project slightly forward of the front building line along the eastern side of Landscape Park. Due to the shape and juxtaposition of the former property, the opportunity to replicate this approach in the development of the appeal site does not arise. Thus, if its potential is to be realised, then new build development can only be accommodated to the side of the existing house on this site.

7.2.7 During my site visit, I also observed that the distance between the rear elevation of the existing house on the site and the gabled side elevation of the nearest dwelling house, at No. 1 Landscape Park, to the north varies between 21.5 and 24m (in an easterly direction). Thus, there is an appreciable physical separation between these buildings. The proposed two dwelling houses would align with the existing house and although they would project forward of the front building line exhibited by the dwelling house at No. 1 Landscape Park, the impact of the resulting breach would be mitigated by the said physical separation.

7.2.8 I note the applicant's response to the appellant cited above and the tightening that would ensue from the proposed dwelling houses, i.e. the separation distance between them and the dwelling house at No. 69 would be 24m and it would reduce to 18m between them and the dwelling houses at Nos. 69A and 69B. I note, too, that the design of the exposed side elevation of the more easterly of the proposed dwelling houses is stepped to "fit" the tapered shape of the site along its eastern boundary. This elevation and the combined rear elevations would be well-designed.

7.2.9 I conclude that the proposed dwelling houses would, due to their siting, size, and design, change further the existing changed streetscape of the junction between Churchtown Road Upper and Landscape Park. This further change would be compatible with the visual amenities of the area.

(iii) Development standards

7.3.1 The proposal would entail the re-conversion of the existing house on the site to a dwelling house and the construction of two new dwelling houses. The former dwelling house would be a four-bed one with a floorspace of 162.2 sqm and the latter dwelling houses would each be three-bed ones with a floorspace of c.107 sqm. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, these floorspace figures and their composition from day time and night time use floorspaces would exceed the relevant minimum recommended figures. No internal storage space is specified for the re-converted dwelling house. This deficiency could be addressed by means of a condition.

7.3.2 The appellant draws attention to the width of the living room in No. 67B. The appellant has responded by drawing attention to this room's elongated shape and floorspace, which would exceed the relevant recommended minimum. I consider that the infringement would be nominal and that the southerly and easterly aspects of this room would ensure that the quality of its amenity value would be high, thereby compensating for this dimensional shortcoming.

7.3.3 The appellant also draws attention, specifically, to the area of the rear garden to No. 67A, which at 57.6 sqm would fall below the CDP minimum of 60 sqm for a three-bed dwelling house, and, generally, to the dog leg layout of the rear gardens that would lead to more direct overlooking from neighbouring dwelling houses than would be customary. The applicant has responded to this specific concern by emphasising that the shortfall would be nominal and he has responded to this general concern by drawing attention to the absence of objection from the planning authority.

7.3.4 I consider that the said specific concern would indeed represent a nominal shortfall. With respect to the said general concern, I note that the dog leg shape of the rear gardens would ensure that the initial more sensitive paved areas would not be directly overlooked from the upper floor windows of Nos. 67 and 67B. I note, too, that any direct overlooking from the upper floor windows of No. 67A would be mitigated by the projecting ground floor element to the returns to Nos. 67A and 67B.

7.3.5 I, therefore, conclude that, subject to minor amendment, the proposed re-converted and new build dwelling houses would accord with relevant development standards and that any shortfalls in these respects would not militate against the establishment of a satisfactory standard of amenity to future occupiers.

(iv) Access and parking

7.4.1 Under the proposal, the existing pedestrian access to the front of the site from Churchtown Road Upper and vehicular access to the side from Landscape Park would be replaced by three vehicular accesses to the front and one pedestrian access to the side. By way of response to a request for further information at the application stage, the proposed vehicular access to No. 67B

was centred with the front boundary to this house plot and gate piers to a height of 1.1m were specified.

7.4.2 The appellant expresses concern that the proposed vehicular accesses would generate traffic movements close to the junction between Churchtown Road Upper and Landscape Park. These movements would cross the public footpath along the northern side of this Road, a footpath that is used by pupils who attend the nearby De La Salle College. She also expresses concern that the access to No. 67B would exceed the CDP's maximum of 3.5m and that use of the accompanying drive-in would lead to vehicles overhanging the footpath.

7.4.3 The applicant has responded to these concerns by drawing attention to the absence of objection from the County Council's Transportation consultee.

7.4.4. During my site visit, I observed that the existing vehicular access to the site from Landscape Park is positioned just clear of the nearside radius kerb. I also observed that the grounds of the extended house are in use as a car park, which serves the existing use of this house as a medical centre. The number of traffic movements generated by this use would exceed those likely to occur under the proposal and these movements, while capable of being undertaken from and to Landscape Park consistently in forward gear, would use an access point that is close to the said junction and so not ideal from a road safety perspective.

7.4.5 During my site visit, I also observed that the existing dwelling houses along Churchtown Road Upper are served by vehicular accesses to drive-ins from this Road. Accordingly, the current proposal would simply continue this pattern and so I do not consider that it would pose any appreciable additional road safety risk to existing road users, including pedestrians.

7.4.6 The proposed accesses to Nos. 67 and 67A would be 3.5m in width. While the proposed access to No. 67B would follow the curved alignment of the adjoining footpath, the projected straight line width of this access would be 3.5m, too. The minimum depth of the accompanying drive-in would be 5.5m and so it would be deep enough to avert the predicted overhanging of vehicles.

7.4.7 I conclude that the proposed use of the site would lead to a reduction in the traffic generated by the existing use of this site. I conclude, too, that the

proposed access arrangements for the proposed house plots would be satisfactory.

(vi) AA

7.5.1 The site is not located either in or near to a Natura 2000 site. It is a fully serviced suburban site and so I do not consider that the proposal for the same would have any significant effect upon the conservation objectives of any Natura 2000 site.

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 permitted.

9.0 Reasons and Considerations

Having regard to the recent planning history of the surrounding area and the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the proposal would fulfil zoning objective “A” for the site and it would further the pursuit of densification expressed by Policies RES 3 and RES 4 of the County Development Plan. The new build dwelling houses would continue the pattern of change to the local streetscape that has already commenced with the development of No. 69 Churchtown Road Upper. These dwelling houses would be compatible with the visual and residential amenities of the area and, along with the re-converted dwelling house on the site, they would afford an acceptable standard of amenity to future occupiers. The dwelling houses would be capable of being satisfactorily accessed and off-street parking arrangements would be satisfactory, too. No Appropriate Assessment issues would arise. The proposal would, thus, accord 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, as amended by the further plans and particulars submitted on the 28th day of September 2016, 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 dwelling house denoted as No. 67 Churchtown Road Upper shall be revised to show a minimum of 6 sqm of dedicated internal storage space.

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 order to afford a satisfactory standard of amenity to future occupiers.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. 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 interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall not include prunus species.
- (ii) Hard landscaping works, specifying surfacing materials and finished levels.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. The developer shall pay to the planning authority a financial contribution of €17,160 (seventeen thousand one hundred and sixty euro) in respect of public infrastructure and facilities benefiting 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. The application of any indexation required by this condition 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.

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.

Hugh D. Morrison
Planning Inspector

9th February 2017