



An  
Bord  
Pleanála

## Inspector's Report PL 06D.247643

---

<b>Development</b>	4 houses and associated site works
<b>Location</b>	54 Wilson Road, Mount Merrion, County Dublin
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D15A/0799
<b>Applicant(s)</b>	Margaret Keane
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John & Deirdre McArdle
<b>Date of Site Inspection</b>	22 <sup>nd</sup> February, 2017
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development comprises a grassed plot, 0.946 hectares in area, located between the footpath on the north side of Wilson Road, the side boundary of No. 54 Wilson Road, the rear boundaries of a detached two-storey house ('Shandon') and Nos. 40 and 42 Greenfield Road, and an area of private amenity space at the junction of Wilson Road and North Avenue in Mount Merrion, County Dublin. The site slopes away from Wilson Road onto which it has frontage. It is enclosed by hedging and fencing along its eastern flank, by fencing and a wall along the rear flank, and by hedgerow along its western flank.

## **2.0 Proposed Development**

- 2.1. The original proposed development comprised four detached, three-storey, split-level houses accessed from Wilson Road. The houses were contemporary in design, each with a floor area of 155 square metres. Details submitted with the initial application drawings included an architectural design report.
- 2.2. In response to a further information request by the planning authority, the proposed development was revised to comprise the provision of two semi-detached houses in place of the proposed two detached Houses Nos. 1 and 2. Revisions to the interior of the first floor levels of House Nos. 2-4 were made, obscure glazing was included in referenced windows, and vehicular entrance details were provided. The further information also included a tree survey report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 1<sup>st</sup> November, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 13 no. conditions.

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

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

The first report from the Planner noted the zoning provisions for the site, the site's planning history, the observation made, and restated the reports received. It was noted that there was a live planning permission for four semi-detached houses on the site. The principle of the development was considered acceptable. Differences between the proposal and that previously granted were outlined. Concerns were raised about the proximity of proposed house no. 1 to the common boundary with No. 54 Wilson Road and its proposed rear garden depth. Separation distance between opposing windows with established property to the rear was noted. Reference was made to drawing inaccuracies also, while the requirement to make provision for obscure glazing in particular windows was highlighted. The density of development was considered acceptable. The size of the rear garden for house no. 1 was seen not to comply with Development Plan requirements. The design rationale of the houses was queried. Elevational discrepancies were referenced, concerns about screening of windows were raised, and impact on occupiers were addressed. It was recommended that further information be sought to address the issues raised. A request for further information was made by the planning authority on 10th February, 2016 and a response was made by the applicant to this request on 6<sup>th</sup> October, 2016. This resulted in the scheme being revised to comprise the provision of two semi-detached houses in place of the two detached houses, units nos. 1 and 2. The interior of the first floor levels of units 2-4 were altered, obscure glazing was included in referenced windows, and vehicular entrance details were provided. The submission also included a tree survey report. The third party made a further response to this submission.

In the Planner's second report, it was noted that a new County Development Plan had been made since the further information request and that no significant changes had been made to policies and guidance regarded as relevant to the proposal. The revisions proposed to the scheme were outlined. It was submitted that, taking into account the extant planning permission, the separation distances between existing and proposed dwellings, and the proposed design, a relaxation of standards for open space was acceptable. It was further considered that the matters raised by the Parks Department could be addressed by way of planning condition. A grant of permission was recommended subject to conditions.

### 3.2.2. Other Technical Reports

The Drainage Engineer had no objection to the proposal.

The Parks Superintendent requested further information relating to impacts on trees. Following the submission of further information, clarification was sought on impact on adjoining trees and mitigation measures.

### 3.3. Prescribed Bodies

Irish Water had no objection to the proposal subject to conditions.

### 3.4. Third Party Observations

An objection to the proposal was received by the planning authority from John and Deirdre McArdle. The grounds of the appeal reflect the principal concerns raised.

## 4.0 Planning History

4.1 ABP Ref. PL 06D.224068 – Permission was granted by the Board in 2007 for the construction of four semi-detached houses.

4.2 P.A. Ref. D07A/0457/E – An extension of duration for the above referenced permission was granted until 30<sup>th</sup> October, 2017.

## 5.0 Policy Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2016-2022

#### Zoning

The site is zoned 'A' with the objective: "To protect and/or improve residential amenity.

The Zoning Map for this location shows that there is a specific objective relating to the appeal site, namely "To protect and preserve Trees and Woodlands".

## Trees and Hedgerows

The Plan states that new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps. Arboricultural assessments are to be submitted with planning applications for sites that contain trees or other significant vegetation. Regard is to be had to the location of new buildings relative to planted boundaries and measures to protect trees to be retained are required to be provided.

## Infill Development

New infill development is required to respect the height and massing of existing residential units. It is also required to retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

## **6.0 The Appeal**

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

The appellants reside at 'Shandon', Greenfield Road, Mount Merrion, located to the rear of the appeal site. It is considered that the concerns raised in their correspondence with the planning authority were not fully addressed by the authority. The following are the concerns set out in the appeal submission:

- The level of accuracy provided in submitted drawings relating to the proximity of the development to adjoining residential properties;
- The architectural design being contrary to the character of the area;
- The loss of privacy by previous removal of mature trees, the overlooking of their property as a consequence, and overshadowing of their garden that would result by proposed boundary screen planting;
- The inaccuracy of submitted drawings relating to the location and extent of "Stansted" (neighbouring house) and discrepancies between the original application site plan and the current plan;
- The height, massing and design of proposed Dwelling No. 1, producing a three-storey dwelling with substantial blank walling;

- Reference to “dubious sustainability and limited suitability for retention” of trees in adjoining properties in the submitted tree survey; and
- The omission of any landscaping proposal to mitigate impacts of the three-storey development from adjoining properties to restore privacy and residential amenity.

## 6.2. Planning Authority Response

The planning authority submitted that it considered that the grounds of appeal did not raise any matter which would justify a change of attitude to the proposed development.

## 7.0 Assessment

### 7.1. Introduction

7.1.1 I consider the principle planning issues relevant to the proposed development relate to impact on residential amenity, impact on the character of the area, impact on trees, and drawing discrepancies.

### 7.2 Impact on Residential Amenity

7.2.1 I acknowledge that the appellants have expressed particular concerns about the impact of the proposed development on their residential amenity arising from the removal of mature trees along the party boundary, the potential overshadowing that would result, and the lack of landscaping to mitigate potential impacts.

7.2.2 In addressing this issue, I must first note that planning permission exists on this site for four semi-detached houses (An Bord Pleanála Ref. PL 06D.224068). When comparing the layout of the proposed development with that previously approved, the footprint, and separation distances, it is apparent that the proposed development is similar in the context of its relationship with established residential properties to the rear of this site. The rear elevation of the proposed houses 2 and 3 for example would be well in excess of 30 metres from the rear elevation of ‘Shandon’, the

appellants' house. The circumstances that prevailed at the time of the last application in relation to rear site boundary treatment remains, i.e. a timber fence with some deciduous trees either side of the fence. I acknowledge the design changes, with the proposed houses each incorporating three stories, as opposed to two-storey, and being approximately 0.9 metres higher than the previously approved semi-detached houses. It is notable, however, that windows are not proposed at second floor level on the rear elevations of the proposed houses.

7.2.3 In the context of potential impact by way of overlooking, it is considered that there are adequate separation distances between proposed and existing houses, well in excess of the accepted 22 metre separation distance and that overlooking would not be a significant concern.

7.2.4 In relation to overshadowing, I acknowledge the site is located directly to the south of the appellants' property. I, however, note the available rear garden depths for proposed houses 2 and 3 of some 10 metres and more relative to 'Shandon' and consider that the potential to cause overshadowing of the appellants' garden to be not significant. Further to this, I note the Board's previous decision to grant permission for four semi-detached houses on this site and I note that Condition No. 3 of that permission required a landscaping scheme to be agreed with the planning authority which required the provision of an evergreen tree species along the rear boundary that adjoins 'Shandon'. While I consider that such a proposal would be acceptable in this instance to provide adequate boundary treatment and to ensure privacy is protected for properties on both sides of the boundary, I submit that such provisions would likely introduce a degree of overshadowing of the appellants' garden in excess of that potentially resulting from the proposed houses themselves.

7.2.5 With regard to a potential overbearing impact, I again note the separation distances that would prevail, while again acknowledging the 0.9m high increase in building height. I further note the comparable depths of the proposed houses with those previously approved, the bulk and overall scale of development. I also note that the proposed houses are designed to step down at the rear to avail of the prevailing gradient on site. I consider that these factors would result in the proposed development having no significant overbearing impact on properties to the rear and any perceived effect would be reduced substantially by appropriate landscaping, and planting, in particular, along the rear site boundary.

7.2.6 Overall, I consider that the proposed development would not result in significant adverse effects on the residential amenities of neighbouring properties.

### 7.3 Impact on the Character of the Area

7.3.1 Wilson Road is a residential street. It comprises primarily detached single-storey and dormer bungalows. Greenfield Road to the rear is also a residential street on which the prevailing house type is mainly semi-detached two-storey houses. The appellants' house, 'Shandon' and the adjoining house to the east, 'Stansted', are detached two-storey houses. To the east along North Avenue there is a mix of uses and buildings of differing scale to the south of the junction with Wilson Road that includes the Mount Merrion Inn and Flanagan's furniture store behind, a community centre, a church, a school, etc.

7.3.2 Noting the above, it is reasonable to determine that the character of Wilson Road is defined by detached low residential buildings. I note that the site of the proposed development is the land area that forms the eastern end of the northern side of the street, with the exception of the private enclosed space to the south and east of 'Stansted'. The road slopes down towards its junction with North Avenue from the site frontage. In acknowledging the Board's previous decision to grant two-storey, semi-detached houses on this site, the context of a mix of house types in the immediate vicinity of this site must be understood which would reasonably allow for a break from houses restricted to single-storey height. Further to this, I note that the form, scale and character of the previously permitted development could be seen to be somewhat 'conventional' in design terms in that general proportions, roof design, fenestration, finishes, etc. could be viewed as compatible and, indeed, in character with the pattern of prevailing development. The question to be asked in the current application is: Does the proposed development 'fit-in' or does it present itself as being out-of-character in its context?

7.3.3 The proposed development is significantly different in design terms from that previously permitted. It is very much of contemporary design, producing a form and character of residential development heretofore not seen in the immediate vicinity. The proposed development is a modern statement with uncharacteristic roof forms, a design form of distinct vertical emphasis, complemented similarly by its fenestration,



as well as introducing new elements such as upper level terraces, completed by a mix of wall finishes comprising brick and hardwood timber and a roof of copper/zinc sheeting. In addition to these evident characteristics, the houses would be distinctively three-storey in height and this new height difference would increase the difference with the building that currently forms the end of the street, namely the low bungalow immediately west of the site. It is reasonable to inform the Board also, based upon the applicant's submitted sections, that the proposed development would rise significantly higher than the residential properties on Greenfield Road, including the appellants' house. I note that a commercial premises (Flanagan's Furniture) is located to the south of Wilson Road. However, I do not consider that this comes into play in consideration of the character of the residential street and its context as it is set back beyond an open space on Wilson Road behind a wall and there is substantial tree screening along this section of the Wilson Road. It could not be construed as forming part of the residential street.

7.3.4 With regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan as they relate to infill development, I note that the Plan requires that new infill respects the height and massing of existing residential units and that it is required to retain the physical character of the area. I do not consider that the proposal complies with these provisions having regard to the context set out above.

7.3.5 It is my conclusion on this issue that the appellants' appeal ground is one of merit. I consider the proposed development would be overtly incongruous in form and character with the prevailing pattern of residential development on this residential street and would be incompatible in form and character with the pattern of development on Greenfield Road to the rear. The Board should note that 'Stansted', adjoining the appeal site, is a protected structure in the Dún Laoghaire-Rathdown County Development Plan (RPS No. 427) that is well screened from adjoining development and lands. Where the adjoining proposed development would be determined to be incongruous with the prevailing pattern of residential development, it could not reasonably be viewed as affording protection to the protected structure and its curtilage.

7.3.6 I submit that the proposed development does not well-define the eastern end of Wilson Road and would be incompatible with the character of this residential street and other residential properties in the vicinity. It would be an unwelcome visual

intrusion on the street and could not reasonably be viewed as being related in form, character and height with that previously permitted by the Board. The Board will note that the public notices for the current application made reference to the previous permitted proposal and described the current proposal as amendments to that previously permitted. I submit that the proposed development is stridently different in material and substantial planning terms.

#### 7.4 Impact on Trees

7.4.1 I note that the zoning map for this location shows a symbol on this site that indicates there is a specific objective “To protect and preserve Trees and Woodlands”. The planning authority in its reports did not make reference to this specific objective. There are no discernible trees of distinct character on this site. There are mature trees bounding the site, as noted by the Parks Superintendent of the planning authority. The applicant has submitted supporting drawings and details relating to trees and shrubs on the periphery of the site. The applicant’s further information in response to the planning authority’s request included a tree report with proposed protection measures. There is no reason to suggest that the proposed development’s impact on established trees and shrubbery would make a markedly different and significantly adverse impact on trees and shrubs in the vicinity over and above the impact that would have arisen by the previously permitted development on this site.

#### 7.5 Drawing Discrepancies

7.5.1 I note the drawings showing the configuration of the site and the layout of adjoining properties submitted with the application compare favourably with the drawings in which the previous application was determined by the Board. I do not consider any discrepancies to be of a substantial nature that would raise particular concerns relating to adverse impact on established residential amenity.

### 8.0 **Recommendation**

8.1. I recommend that permission is refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

The site of the proposed development is located at the eastern end of Wilson Road, a residential street in Mount Merrion, County Dublin. The street comprises mainly single-storey and dormer dwellings. Furthermore, the site is bounded to the rear by detached and semi-detached, two-storey houses, including 'Stansted' which is a protected structure in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. It is a requirement of the current County Development Plan that new infill develop respects the height and massing of existing residential units and that it retains the physical character of the area. Having regard to the incongruity of the design, height, form, and scale of the proposed dwellings, it is considered that the proposed development would be out of keeping with the character of development at this location. The proposed development would, therefore, seriously injure the visual amenity and character of the area, would contravene the provisions of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Kevin Moore  
Senior Planning Inspector

27<sup>th</sup> February 2017