



An
Bord
Pleanála

Inspector's Report 06D.247833

Development	House and associated works
Location	56 Beaufield Park, Stillorgan, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D16A/0759
Applicant(s)	Tony O' Connor
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Kevin and Avril Moran
Observer(s)	None
Date of Site Inspection	22 nd March 2017
Inspector	Emer Doyle

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1.0 Site Location and Description

- 1.1. The site of the proposed house has a stated area of 0.0172ha and comprises of part of the rear garden of an existing house at 56 Beaufield Garden, Stillorgan, Co. Dublin. Beaufield Gardens is a mature residential area where the pattern of development is generally characterised by two storey semi-detached houses with front and extremely long rear gardens. The area is close to shopping facilities and a school and appears to be under a lot of pressure for parking with a lot of on street parking.

2.0 Proposed Development

- 2.1. Construct a one bedroom two storey dwelling with associated private open space and car parking at the rear served by a shared right of way to the side of the existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 9 No. conditions. All conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The planner's report reflects the decision of the Planning Authority to grant permission.

3.2.3. Other Technical Reports

- 3.2.4. **Transport Planning Section** reported no objection to the development.

3.3. Prescribed Bodies

There are no submissions from prescribed bodies.

3.4. Third Party Observations

There is one third party submission from the adjoining neighbours to the south- Kevin and Avril Moran 57 Beaufield Park.

4.0 Planning History

Planning application reference D04B/0293 referred to an application on this site granted for a single storey extension to the rear.

Planning application reference 92B/0351 referred to an application on this site granted for a 2 storey extension to the rear.

A certificate of exemption from Part V was granted under V/086/16.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'A' 'To protect and/or improve Residential Amenity.' The site adjoins lands to the west/ southwest zoned 'NC' – 'To protect, provide for and/or improve mixed-use neighbourhood centre facilities.'

The site is located immediately outside the boundary of the Stillorgan Local Area Plan.

Guidance for new houses on infill sites is under section 8.2.3.4 (vii).

Guidance for backland development is under section 8.2.3.4 (vi).

5.2. Natural Heritage Designations

There are no natural heritage designations in the area of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows;

- The planning report states that all windows are facing into a car park only however all windows are facing into my garden.
- My privacy will be completely gone as this two storey house has ceiling to floor windows looking into my house.
- Impact on house depreciation.
- Right of way along boundary would make our house a target for burglaries and anti-social behaviour.
- Concern regarding noise from house and associated car parking spaces
- Concern regarding parking congestion in the area.
- Concern regarding void area upstairs.

6.2. Planning Authority Response

The Planning Authority Response can be summarised as follows:

- The southern boundary of the site adjoins a car park and the end of the rear garden serving No. 57. Due to the proposed footprint of the dwelling, and the positioning of the proposed fenestration on the southern/ front elevation, the dwelling will look towards the adjoining car park and not the rear of No. 57.
- There is an existing driveway along the boundary with No. 57 that extends to the rear of No. 56, and an existing garage to the rear of No. 56 and thus this driveway is in use.

6.3. Observations

None.

6.4. Further Responses

There are no further comments on file.

7.0 **Assessment**

7.1. I consider that the key issues in determining this appeal are as follows:

- Principle of Proposed Development
- Impacts on Residential Amenity
- Appropriate Assessment

7.2. **Principle of Proposed Development**

The subject site is located within lands zoned 'Objective A' of the operative County Development Plan, which seeks to protect and/or improve residential amenity and where residential development is permitted in principle subject to compliance with the relevant policies, standards and requirements set out in the plan. Accordingly the principle of a house is acceptable at this location subject to an assessment of the impact of the proposed development on residential amenity and compliance on other Development Plan policies and objectives.

7.3. **Impact on Residential Amenity**

The main issues raised in this appeal relate to potential for overlooking, impacts on privacy, impacts in relation to right of way serving house, and impacts of additional car parking.

I note that two revised designs have been submitted with the appeal documentation to address the concerns raised regarding potential for overlooking. Proposal A redesigns the first floor and reduces the fenestration at first floor level so that the window will not extend behind the garden line of No. 57. I note that all the houses on this side of the road have very long rear gardens but No. 57 has a shorter rear garden than No. 56. Proposal B omits the first floor window altogether and provides for the insertion of velux rooflights only. I am satisfied that Proposal B addresses the concerns raised as the velux rooflights face towards the existing dwelling and there is no potential for overlooking or perceived overlooking of any kind. I note that it is a requirement of Section 8.2.3.4 (vi) of the Development Plan that 'generally backland development should be single storey to avoid overlooking.' The proposed

development is two storey however, I do not consider that overlooking is an issue in this case if the development is carried out in accordance with Proposal B.

I note that there is an existing long driveway at this location which serves a garage. There are high block boundary walls between Nos. 56 and 57. Any noise in relation to the use of the driveway would be relatively minor in terms of the proposed one bedroom dwelling. There is a significant problem with car parking in the area at certain times of the day in particular having regard to the proximity to a nearby school and collections and drop-offs associated with same. The proposed development provides for two on site car parking spaces. This exceeds the requirements set out in Table 8.2.3 of the Development Plan and as such I am satisfied that adequate car parking can be provided within the site boundaries without causing further traffic congestion in the vicinity of the site and unduly impacting on the residential amenities of other properties in the area.

The site is considered to have adequate capacity to allow for a development of the nature and scale as amended above and I do not consider that the proposal represents over-development of the site or the privacy of the adjoining properties. I note that there is commercial development to the rear of the site. I consider that the proposal is generally in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

The subject site is located in an established residential area is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to 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

- 8.1. Having regard to the foregoing I recommend a grant of permission for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

The proposed development is located in an area zoned for residential development in the Dun Laoghaire Rathdown Development Plan 2016-2022. Having regard to the character of the area, the modest scale of the proposed development and subject to the conditions set out below it is considered that the proposed development would not give rise to traffic hazard or injury to residential amenity and would otherwise accord with the County Development Plan and 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 further plans and particulars received by An Bord Pleanála on the 2nd day of February 2017 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 first floor and elevations shall be carried out in accordance with Proposal B of the particulars received by An Bord Pleanála on the 2nd day of February 2017.

Reason: In the interest of residential amenity.

- 3 Surface water drainage arrangements shall comply with the requirements

of the planning authority for such works and services.

Reason: In the interest of public health.

- 4 Details of materials, colours and textures (including samples) of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 5 The developer shall pay to the planning authority a financial contribution 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 the 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.

Emer Doyle
Planning Inspector
4th April 2017