



An
Bord
Pleanála

Inspector's Report 06D.247840

Development	Demolition of outbuilding and construction of house.
Location	Adjacent to 28 Belgrave Square, Monkstown, County Dublin.
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0774
Applicant(s)	Gary Tynan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Patrick J. Power
Date of Site Inspection	3 rd April, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located at the southern end of Belgrave Square East at the junction with Monkstown Road. It is rectangular in shape and lies immediately to the south of No. 28 Belgrave Square East. There is a single-storey extension to the side of No. 28 which forms part of the site. It has frontage of just under 10 metres with Belgrave Square East and some 34 metres of frontage with Monkstown Road. There is a vehicular entrance along the Belgrave Square frontage and there is a pedestrian gate onto Monkstown Road. The site boundaries comprise granite walls.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a three-storey five-bedroom terraced house with a stated floor area of 185 square metres adjacent to No. 28 Belgrave Square East in Monkstown, County Dublin. The house would be finished externally in a mix of granite and painted render. The proposal includes the demolition of a single-storey structure of 8 square metres to the side of No. 28, stated to be used for storage. A design statement formed part of the application details. The development would include two off-street parking spaces. The application included a submission that No. 28 is not in the applicant's ownership but that the store to be demolished is. Details on parking and storage of waste for No. 28 were submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

On 12th December, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 10 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner submitted that the proposed house was designed to accord with Development Plan provisions applicable to new development within an ACA. The demolition of the storage shed was seen as acceptable. It was considered that the house would appear as a modern bookend in accordance with best practice for new development within an ACA. It was stated that the proposal would not cause undue overlooking or overshadowing of adjoining properties. It was also considered that the house related well to existing houses on Belgrave Square East in terms of height, scale, design and finishes and that adequate provision for off-street parking was being made. A grant of permission was recommended subject to conditions.

3.2.2. Other Technical Reports

The Conservation Officer had no objection to the proposal subject to conditions.

The Drainage Engineer had no objection to the proposal subject to conditions.

The Transportation Planning Engineer recommended conditions be attached if permission is to be granted.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

An objection was received from Patrick J. Power. The grounds of the appeal reflect the concerns raised. A response to this objection was received from the applicant. Further objections were received from David Nash and Belgrave Square Grounds and Residents Association relating to inadequate car parking and the development being out of character with the ACA.

4.0 Planning History

P.A. Ref. 842/89

From details provided by the appellant it is noted that permission was granted for 2 no. mews dwellings in 1990.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown County Development Plan

Zoning

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

Architectural Heritage

The site is located within the Monkstown Architectural Conservation Area (ACA).

Residential Development on Corner/Side Garden Sites

In these cases the Planning Authority will have regard to the following parameters:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

New Development within an ACA

A sensitive design approach is required for any development proposals in order to respect the established character and urban morphology. Where development is appropriate, contemporary design is encouraged that is complementary and sympathetic to the surrounding context and scale.

All planning applications for development within an ACA shall have regard to a schedule of criteria that includes the following:

- All developments within an ACA should be site specific and take account of their context without imitating earlier styles. New developments should normally be 'of their time' and to the high standards of design with contemporary design encouraged. 'Pastiche' design should normally be avoided.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant is owner of No. 46 Monkstown Road and has no objection in principle to the development of a house on the site. Reference is made to a range of planning policy and guidance provisions. A synopsis of the specific grounds of appeal are as follows:

- The design of the dwelling and building to the boundary wall is not in keeping with surrounding residential properties. The house is excessive and overbearing.
- There will be a significant loss of residential amenity to the appellant's home arising from the negative visual impact, overlooking, loss of light, overshadowing and overbearing impact. On the loss of privacy, particular emphasis is placed on the proposed second floor terrace and garden and the proposed building line.

6.2. Applicant Response

The applicant's response to the appeal included the following:

- Details of an animation to illustrate the proposal made during the design process are offered to address the issues of scale, materiality and the relationship with the development's surroundings.
- The proposal follows the building line of Belgrade Square East and incorporates a setback to allow the corner profile and quoins to be read.
- With regard to a 22m separation distance between first windows, it is noted that the proposed windows are not rear windows and there is a public road between the proposal and the appellant's property. A photograph is shown in support, stated to be a digital model built to scale and showing a view of the development from the appellant's garden.

6.3. Planning Authority Response

The planning authority submitted that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposal.

7.0 Assessment

7.1. Introduction

I consider that the principal issues applicable to this appeal relate to the proposed design and the impact on residential amenity. I am satisfied to conclude that the proposed development meets with development standards in terms of provision of open space, parking provision, etc. in accordance with the Dún Laoghaire-Rathdown County Development Plan 2016-2022.

7.2. The Proposed Design

The proposed development would be sited within the Monkstown Architectural Conservation Area (ACA). It would also be located on a corner site at the junction of

Belgrave Square East and Monkstown Road. The current County Development Plan has specific requirements in relation to both of these contexts.

With regard to the ACA, the planning authority requires that all developments within an ACA should be site-specific. It is expressly stated that they should take account of their context without imitating earlier styles. New developments are normally to be 'of their time' and to the high standards of design with contemporary design encouraged. 'Pastiche' design is normally to be avoided. Having regard to these requirements, it is reasonable to conclude that the modern response to the formal Belgrave Square East context, and as an end-of-terrace unit, comprises an acceptable compliance with Development Plan requirements. Acknowledging that there is a palette of finishes proposed that is complementary to the wider environs, the proposed development distinctly avoids a pastiche design, ensuring the proposal would not confuse the historical record of the adjoining structure or diminish the architectural integrity of such a structure. The development is, thus, seen to be in accordance with the provisions relating to the ACA.

With regard to the corner site location, I note the relationship of the development to No. 28. In terms of height, scale, massing and layout, the proposal can reasonably be viewed as being in keeping, producing a definitive 'bookend' to the terrace and respecting the established building line. The issue of impact on the amenity of neighbouring residents will be considered in the next part of this assessment. Development Plan standards are to be met in terms of accommodation for occupiers, car parking, access, and private open space. I note that the Plan states that side gable walls as side boundaries facing corners in estate roads are not considered acceptable and that appropriate boundary treatments are required to be provided around the site. Existing boundary treatments are required to be retained where possible. The proposed development seeks to build out for a part at ground floor level to the site edge onto Monkstown Road but the existing roadside boundary wall would be retained. The restricted site width is acknowledged. The layout response at ground floor level to meet the terraced context is regarded as appropriate if further separate residential accommodation is to be facilitated on this site. The staggered approach at upper levels would lessen an overbearing impact on the adjoining main road, while fenestration along this gable would be in keeping with requirements for

visual amenity and passive surveillance, avoiding blank, overbearing walls onto Monkstown Road.

I conclude that the proposed design would be in keeping with the provisions of the current Dún Laoghaire-Rathdown County Development Plan.

7.3. Impact on Residential Amenity

The height, scale and design of the proposed development has been determined above to be acceptable in the context of its relationship with No. 28 and with the streetscapes. The proposal is not seen to have any adverse impacts on the residential amenities of properties to the north, south or east. Having regard to its siting and orientation, it could not be viewed as having any adverse impact on properties to the west across Belgrave Square East in terms of overshadowing or having an overbearing impact. In my opinion, the sole issue for consideration on the impact of the appellant's property relates to the issue of overlooking and the consequential loss of privacy.

The proposed development would be three storeys in height. The building's frontage would be sited approximately 19 metres from the western frontage of the appellant's property. The proposed development would have a bedroom window at first floor level on the front elevation and there would be a 'dummy' window at second floor level for reasons of visual amenity. A terrace and green roof area would be provided at second floor level. Having regard to the location of the first floor window relative to the private amenity space of the appellant's property, there is not the potential for significant overlooking of the private space due to the oblique angle. I acknowledge that the proposed terrace serving the bedroom at second floor level and part of the green roof would be directly in line with the appellant's private space which would allow for overlooking of that space. The applicant's proposal includes a balustrade to the terrace. In my opinion, a replacement of this by a screen of suitable height, form and finish could be provided to envelope the terrace to remove the potential for adverse impact by way of overlooking. In making this suggestion, I acknowledge that the proposed development would be sited across a public roadway and I note that private open spaces in terraced properties can frequently be overlooked by adjoining properties from upper level windows. In this instance, I note the layout and design of

the established properties and the efforts made to provide a degree of privacy at a junction of two public roads. The provision of a screen for the terrace is regarded as a reasonable response in this instance.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations, and conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to its siting at the end of a terrace at the junction of Belgrave Square East and Monkstown Road, and to the modern design of the proposed structure, it is considered that the proposed development would not be out of character with development within the designated Monkstown Architectural Conservation Area, would be in accordance with the provisions of Dún Laoghaire-Rathdown County Development Plan 2016-2022, would be acceptable in terms of visual impact, and would not seriously injure the residential amenities of the area. 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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority before the commencement of construction of the house.

Reason: In the interest of orderly development and the visual amenities of the area.

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 and to ensure a proper standard of development.

4. An external screen of obscure glazing shall be provided around the perimeter of the proposed second floor terrace to a minimum height of 1.6 metres. Details of the form, height and finishes of the screen shall be submitted to and agreed in writing with the planning authority before the commencement of construction of the house.

Reason: In the interest of residential 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. The contribution shall be paid within one month of the date of this Order, 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Kevin Moore
Senior Planning Inspector

3rd April 2017