



An
Bord
Pleanála

Inspector's Report PL06D.247858.

Development	Construct house and all associated works.
Location	Site to rear 22-26 Sandycove Road, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council .
Planning Authority Reg. Ref.	D16A/0780
Applicant	Yvonne Markey
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Yvonne Markey.
Observers	<ol style="list-style-type: none">1. Sandycove Tennis and Squash Club2. E. Nicholson and O. Boland3. P. Newell and R. Haslam4. A. Federlein and R. Kelleher
Date of Site Inspection	6 th April 2017
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is located in Sandycove at Sandycove Road, which runs parallel to the coast and into the centre of the village of Dun Laoghaire at George's Street. The site is off a laneway, which is connected to Sandycove Road and which provides access to a range of commercial and residential properties. The laneway is generally I-shaped and the site of the proposed development is located towards the end of the lane. At the frontage with the Sandycove Road the laneway entrance is narrow, approximately 3m in width, and is defined by structures associated with adjacent property and is defined by road markings.
- 1.2. Commercial property which is directly accessed from the laneway includes a medical and dental practice and a rear yard associated with Buckley's Auctioneers, which is positioned at the main street frontage. The laneway adjoins lands which are reserved as a parking area in association with Tara Hall guest house which also retains a pedestrian access from the rear of guest house and onto the lane at the point of the site of the proposed development.
- 1.3. At the opposite (southern) side of the laneway is the Sandycove Tennis and Squash club associated with which are high mesh fences which, extend above the level of the laneway boundary wall. There are a number of vehicular entrances onto the lane which serve other buildings at Elton Park and Sandycove Road.
- 1.4. At the time of my inspection at mid-day on a weekday there was no evidence of any use of the laneway for access or parking. From the condition of the gateway at Buckley's Auctioneers I formed the impression that this access may be little used. In this regard it is noted that this part of Sandycove Road contains a relatively low level of restaurant / public house use and only a few retail units, none of which would be likely to generate significant levels of commercial traffic.
- 1.5. The stated site area is 0.013 hectares. It is long and narrow and defined on both sides by the stone / block boundary walls and other boundary features including a cast iron fence and gateway.
- 1.6. Photographs of the site and surrounding area which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought to develop a two-storey dwellinghouse. The stated floor area of the proposed house is 91.5 square metres. It is served by a parking space and a private amenity open space. Living accommodation is at first floor level. Fenestration includes large glazed panes at the north-east elevation which lights the hall and stairs.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for reasons related to visual and residential amenities and traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Report

The main comments are

- Based on policy RES4 development acceptable in principle.
- Third party observations and Transport Planning Report noted.
- Two storey nature and location relative to boundaries noted especially in relation to 24-25 Sandyford Road and tennis club.
- Having regard to height, scale, design and layout serious concerns in relation to overshadowing and overbearing impact and overlooking of houses.
- Overbearing impact on tennis club grounds.
- Inadequate laneway width - road traffic safety concerns.

3.2.2. Other Technical Reports

Municipal Services Department – no objection subject to condition relating to surface water drainage.

Transportation Planning – recommends refusal of permission due to endangerment of public safety and precedent.

Irish Water – no objection subject to specified requirements.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Issues raised are largely reiterated in the appeal observations. Concerns relate to impact on residential amenities and traffic safety.

4.0 Planning History

There is no reference on the planning file to any recent planning history.

5.0 Policy Context

5.1. Development Plan

The site is located in an area zoned 'A'. This zoning objective applies also to the adjoining buildings on Sandycove Road. There are no conservation objectives relating to the site or to this immediate area.

There is an objective to prepare a local area plan for Dun Laoghaire and Environs which would include the subject site.

A range of policies refer to increasing urban densities and to required standards.

Policy RES4 includes the objective to 'densify' existing built up areas, retain and improve residential amenities in established residential communities.

Section 8.2.3.4 refers to 'Additional Accommodation in Existing Built Up Areas' and sets out policies relating to backland development, infill development and to mews lane development.

The site is on the edge of but not within an archaeological constraints area identified in the development plan which relates to the site of a megalithic tomb.

5.2. Natural Heritage Designations

The South Dublin Bay and River Tolka Estuary SPA is to the north-west and Dalkey Island SPA to the south-east. The Rockabill to Dalkey Island is to the east. All of these European sites are within 2km of the site of the proposed development.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the first party appeal include:

- House design avoids overlooking and complies with section 8.2.3.4(vi) and fenestration could be modified as suggested
- Houses at 22-26 Sandycove Road would be overshadowed for a limited time in mid-winter and the ground level of the house could be lowered by 600-750mm to reduce overshadowing and the perception of scale and mass
- The laneway is in use including for access to a commercial property and there are four spaces on site – development would result in reduced traffic
- The laneway width of 3070mm is just below the requirement under 8.2.3.4(vi)
- There is no interference with rights of way and little scope for further developments unless the laneway is widened – no. 23 has no right of way over the site but for the purposes of construction only were granted a temporary right of way by no. 24
- Rights of nos. 24, 25 and 26 with access to pass and repass to the large right of way area which is shown in green on submitted map
- The grounds of refusal can be overcome with some revisions but particularly in light of the reduced number of cars that will use the laneway.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.3. Observations

6.3.1. Sandycove Tennis and Squash Club

The reasons for objection refer to obtrusive and overbearing nature of development and the fenestration which would give rise to a perception of overlooking, all of which would detract from the amenity and give rise to conflicts with operation of the established tennis club which has 800 members. The proximity of the development to boundaries is unreasonable and not in keeping with other developments in similar contexts.

6.3.2. E. Nicholson and O. Boland (25 Sandycove Road)

The main points of the observation include:

- The access lane by its nature is restricted – it is an amenity used by all houses (23-26) and includes 2no. parking spaces in our ownership
- Use of these parking spaces which are shown on submitted map would be rendered useless
- Any additional traffic at the junction can only worsen difficulties at the junction
- Constitutes overdevelopment and materially contravenes the zoning objective by loss of amenities
- Due to its height, length, mass and location would overshadow no. 25 at all times of the year as sun path diagrams show
- Windows on the northern elevation are unacceptable
- Proposal is incongruous and its mass and style does not compliment the site
- Various images enclosed including photographs of no. 25, section through sites and photomontage of proposed development.

6.3.3. 1. P. Newell and R. Haslam (23 Sandycove Road)

2. A. Federlein and R. Kelleher (26 Sandycove Road)

These observers are represented by the same planning consultant and the observations are virtually identical. The main points of the observations include:

- There are various entrances onto the rear boundary including a gated entrance at no. 24 and a blocked up entrance at no. 23
- The development would significantly reduce the residential amenity of the area, would materially contravene the zoning objective and be contrary to section 8.2.3.4(vi) of development plan - there are first floor habitable rooms facing north and west at distances much less than 22m
- Proposed development would result in loss of privacy and overshadowing and overlooking, would be overbearing and affect rights to light and constitute overdevelopment
- Reduction in ground floor level by 600-750mm would not reduce the substantial impact – photographs from interior of houses
- The reduction in three parking spaces or numbers of vehicles using the laneway does not justify the proposal and servicing the development in future would cause serious safety concerns including due to laneway width, which is below the required access width of 3.7m
- Would set an undesirable precedent for the laneway and interfere with the legal right of way to no. 23 which is blocked up but remains relevant and would make access to no. 24 unacceptably narrow
- Permission should be refused.

7.0 Assessment

- 7.1. I consider that the primary matter in terms of amenities is the potential for adverse impact on the properties to the north of the site. These include buildings which appear to be fully in residential use, in use as a guest house and (to the north-east of the site) in commercial use.
- 7.2. I concur with the third party observations in relation to the impact of the development on the amenities of the houses in particular. The view from the rear gardens and from the houses would be to a two-storey structure of over 15m in length. This would extend for the length of one of the houses (Tara Hall) where it is proposed to abut the shared boundary.

- 7.3. At this location at Tara Hall there is an original cast iron fence and gate and the gate is to be retained to provide access to the rear garden from the nearby parking spaces on the laneway. I consider that the development would seriously affect the residential amenity associated with no. 24.
- 7.4. Regarding the other nearby houses I note that the development is marginally setback from the boundary with no. 25 which is in residential use. However, it also extends for the full width of that garden and the two storey house would in my opinion constitute an incongruous and visually obtrusive feature. The dwellinghouse would be visible from other residential properties and would detract from the amenity of this residential area.
- 7.5. I agree with the appeal submission that the potential for overlooking to the residential property (in particular) could be addressed as suggested by introducing obscure glazing to the large panes which light the hall and stairs.
- 7.6. Regarding the potential for overshadowing this would affect the rear gardens of a number of the residential properties. While the appellant acknowledges mid-winter overshadowing there is no technical assessment provided of the extent of overshadowing. I also refer the Board to the absence of detailed sections through the adjoining properties or to spot levels. I consider that the submission have not demonstrated that the development is acceptable in terms of overshadowing. Further, I consider that there is not sufficient detail to enable assessment of the suggested lowering of the ground level.
- 7.7. The proposed house would be clearly visible from lands to the south where Sandycove Tennis and Squash grounds is located. The length of the development would be evident. The first floor living room window which includes a large glazed element in the southern façade together with the high level kitchen window might be considered to result in a perception of overlooking or actual overlooking.
- 7.8. Any concerns relating for example to night time use of courts is likely to be affect a number of existing residential properties. Regarding the potential impacts on the amenities of adjacent properties I consider that having regard to the nature of the recreational facility, the relatively large scale of the grounds and the orientation the development of the site as proposed would not materially interfere with the

recreational use of the tennis club. In this regard I do not consider that a refusal of permission or material amendment to the scheme would be warranted.

- 7.9. Regarding the reason for refusal which relates to traffic, I am unconvinced that a traffic safety issue arises but I do agree that the development has the potential to cause obstruction and congestion during the construction and operation phases. There is in my opinion no doubt but that the laneway is by any measure substandard, including in terms of the width of the entrance and the narrow nature of the laneway. The use of the plot of land at present is for parking of a boat and it does not appear to have had any recent active use for car parking. As such the development proposed would give rise to intensification of use at a laneway which is substandard and below the development plan requirements including section 8.2.3.4(vi). My site inspection did not produce any evidence to support the comments regarding a reduction of traffic.
- 7.10. Finally I consider that notwithstanding the location of the site within an urban area and on zoned and serviced lands and the development plan policies relating to increasing density in established areas, the principle of development of this site for a single house is questionable. The backland location of the site is such that if it were to be developed it might be best considered in conjunction with other small or large plots in the vicinity. As it is I consider that the development of this plot as a stand-alone site for a residential unit is constrained by its shape and size and by the pattern of development in the vicinity and the nature of the access.
- 7.11. I note the various submissions by the first and third parties in relation to rights of way and consider that there is no role for the Board in these private legal matters.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the restricted nature and location of the site at the end of a laneway, which is substandard in width and to the established pattern of residential development in the immediate vicinity, it is considered that the proposed

development by reason of its location and height would constitute overdevelopment of an overly constrained site and would be visually obtrusive and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

7th April 2017