



An
Bord
Pleanála

Inspector's Report PL06D.247863

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| Development | Construction of 1 no house and all associated site works. |
| Location | 1 Cedarmount Road, Mount Merrion, Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D16A/0781 |
| Applicant(s) | Max Ammann |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third-v-Grant |
| Appellant(s). | Mount Merrion Residents Association |
| Observer(s) | David Carey |
| Date of Site Inspection | 06 th April 2017 |
| Inspector | Colin McBride |

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.76 hectares is located to the west of Stillorgan and on the eastern side of Cedarmount Road. The site is in established residential area and is occupied by no. 1 Cedarmount Road, which is a two-storey semi-detached dwelling. Immediately to the south is no. 99 Trees Road Upper, which backs onto the site and to the east is no. 3 Cedarmount Road (the other dwelling that makes up the pair of semi-detached dwellings). The site has road frontage along Cedarmount Road to its western side and northern side. There is an existing 2m high wall along the western boundary of the site.

2.0 Proposed Development

2.1. Permission is sought for the construction of a detached dwelling, new vehicular access, new boundary walls and all associated site works. The proposed dwelling has a floor area of 78sqm (application form gives wrong figure). The dwelling is two bed dwelling with all living space at ground floor level and an area at first floor level described as an attic area/store/office. The dwelling is a gable fronted dwelling with a ridge height of 5.492m. The proposal entails the subdivision of the rear garden associated with no. Cedarmount Road with a new vehicular access provided onto the existing service road on the western side of the site.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 14 conditions. Of note is the following condition.

Condition no. 5: That the height of the front boundary treatment for a minimum distance of 1 metre either side of the proposed new vehicular entrance shall be no more than 1.1 metres so as to provide good visibility for vehicles and pedestrians of exiting vehicles and vice versa from the said vehicular entrance. The height of the piers and gates to be also a maximum of 1.1 metres. Details shall be submitted for

the written agreement of the Planning Authority prior to the commencement of development on site. Reason: In the interests of public safety.

3.2. Local Authority and External reports

3.2.1. Drainage Planning (17/11/16): No objection subject to conditions.

3.2.2. Irish Water (19/11/16): No objection.

3.2.3. Transportation Planning: No objection subject to conditions.

3.2.4. Planning Report (21/11/16): The design and scale of the proposal was considered acceptable in regards to visual amenity of the area and the residential amenity of adjoining properties. The proposal was considered acceptable in regards to traffic issues. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

4.1 D16A/0471: Permission refused for a dwelling and associated site works on the current appeal site. Refused for one reason as follows...

1. The proposed development by reason of the extent of development along the party boundaries, the limited separation distances and the potential for overlooking would unduly impact on the residential amenity of the adjoining properties to the north, south and east. The proposed development would be contrary to Sections 8.2.3.4(v) and 8.2.8.4(ii) of the County Development Plan, 2016-2022 and would seriously injure the amenities, or depreciate the value, of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area. NOTE: The drawing submitted with this application do not scale accurately and this issue should be addressed in any future application.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by the Mount Merrion Residents Association. The grounds of appeal are as follows...

- The appellants note that the gross floor area of the dwelling proposed is inaccurate (less than quoted). It is noted that the design has been altered to address the requirements of Section 8.2.3.4(v) and 8.2.8.4(ii) of the County Development Plan (previous refusal on site). It is considered that the proposal constitutes substandard development and sets an undesirable precedent for such.
- The proposal provides for one parking space within the confines of the site and such is inadequate. The proposal would impact upon existing on-street car parking which is limited in level at present.
- The appellants raise concerns regarding the proposal for an access along this stretch of road, which is currently heavily trafficked due to serving the existing residential development and also providing access to the rear of existing commercial properties on Trees Road.
- The provision of a vehicular access would impact upon pedestrian safety with it noted there is continuous and unobstructed footpath along this stretch of road.
- It is noted it is proposed to provide a 3.5m wide access in the existing 2.2m high wall. It is noted such does not allow for adequate visibility or line of sight

for reversing vehicles without safety implications. It is noted that the condition no. 5 does not adequately deal with this issue or other constraints such as the existing trees, sign and ESB pole in proximity to the proposed entrance.

- It is noted that the proposed dwelling is below the minimum standards specified by the DoEHLG and does not comply with Section 8.2.8.4(ii) of the County Development Plan.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- It is noted that the grounds of appeal do not raise any new matters that would justify a change in attitude to the proposed development.

6.2.2 Response by Bright Design on behalf of the applicant Max Ammann.

- It is noted that the proposed dwelling is not sub-standard and in full compliance with the DoEHLG guidelines.
- A detailed traffic report has been prepared in response to the appellants' concerns regarding traffic impact/safety. This report notes that the existing road is a lightly trafficked residential road (based on DMURS) and that due to the parking restrictions on the eastern side of the road adequate sightlines are available. It is noted that the level of parking is compliant with Development Plan policy. It is concluded that the nature and scale of development would have no significant or adverse impact in regards to traffic safety.

6.3 Observations

- 6.3.1 An observation has been lodged by David Carey, 2 Cedarmount Road, Mount Merrion.

- The proposal for a vehicular access on the eastern side of Cedarmount Road would result in a traffic hazard due to existing traffic levels along the road and the level of on-street car parking currently generated along the road due to existing dwellings and proximity to other commercial uses.
- The observer raises concern about the level of visibility available at the proposed entrance despite the application of condition no. 5 and due to the layout and configuration of the existing road.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design/scale, visual/residential amenity

Traffic impact

Other Issues

7.2 **Principle of the proposed development:**

7.2.1 The proposal is for subdivision of the rear garden associated with no. 1 Cedarmount Road and the construction of detached dwelling and associated site works. The site is located in an established residential area and is zoned Objective A, 'to protect and/or improve residential amenity'. The proposal development is consistent with the zoning objective. The principle of the proposed development is acceptable with the main considerations the impact of the proposal on the visual amenities of the area, the amenities of adjoining properties and traffic safety with the proposal also contingent on the provision of an independent residential unit of a satisfactory standard. Such aspects are to be examined in the following sections of this report.

7.3 Design/scale and visual/residential amenity:

- 7.3.1 The proposal is for a detached dwelling with two bedrooms. The dwelling is a gable fronted design with a ridge height of 5.492. In terms of the relevant development control standards, there is a requirement of 48sqm of private open space for 1-2 bed dwellings and 60sqm for 3 bed or more dwellings (Section 8.2.8.4(i)). The proposed development entails the provision of 118sqm of private open space and allows for 224sqm of private open space to be retained with the existing dwelling within whose curtilage the site is located. This is well in excess of the requirements under Development Plan policy. In regards to car parking the requirement for a two-bedroom dwelling is 1 space (Table 8.13). The proposal provides for one off-street car parking space and is in compliance with the development Control standards.
- 7.3.2 In regards to overall visual impact, the height of the proposed development does not exceed the ridge height of the existing and adjoining dwellings and is significantly lower than existing dwellings. The proposed dwelling is modest in scale relative to adjoining properties and features a gable fronted design with limited floor space at first floor level. I would be satisfied that the overall visual impact of the dwelling would not be significant or have an adverse impact on the visual amenities of the area.
- 7.3.3 In regards to adjoining amenity, the proposed dwelling is located to the rear of no. 1 Cedarmount Road, no. 99 Trees Road Upper and west of the garden area serving no. 3 Cedarmount Road. As noted above the dwelling is modest in overall scale including ridge height and has been designed to have adequate regard to the amenities of adjoining properties. In terms of overall scale, the dwelling is located tight to the new rear boundary associated with no. 1 Cedarmount Road, however the gable fronted design means the roof height is at its lowest point where it immediately adjoins the reduced garden area of no. 1 (2.579m). I am satisfied the scale of the proposed dwelling relative to the rear garden of no. 1 Cedarmount Road is satisfactory and would have no significant adverse impact on existing residential amenity. In the case of no. 99 Trees Road Upper, the dwelling is set back from the rear boundary of the adjoining property and also is lower in roof height as it gets closer to the boundary with the adjoining property and as such is satisfactory in

terms of impact on residential amenity. In the case of no. 3 Cedarmount Road and its garden area located to the east, the proposed dwelling is setback from the boundary. Taken in conjunction with the modest scale of the dwelling and the fact there are no first floor windows on the eastern elevation, I am satisfied that proposal would have no adverse impact in regards to existing residential amenities.

7.3.4 The appeal submission refers to concern regarding compliance with section 8.2.8.4(ii), which relates to separation distances and the 22m standard required between opposing first floor window, which was a consideration in the previous refusal on site. The proposed dwelling has three windows at first floor level. These are a window on the front elevation (south) serving the attic area/office space, and a roof light on each of the eastern and western roof planes, one which serves a hall at ground floor level and the other serving a dining area at ground floor level. I do not consider that the roof lights contravene the requirements under Section 8.2.8.4(ii) as they are high level windows providing light to the ground floor and are not first floor window in the sense that they do not serve floor space at first floor level. I am satisfied that the proposal is compliant with development plan policy in regards to separation distances and that overlooking or loss of privacy for adjoining properties is not a concern.

7.3.5 The appellants raise concerns regarding compliance with the Department of Environment guidelines set out under the publication, Quality Housing for Sustainable Communities. Having inspected the plans and the relevant guidance (table 5.1, attached), I am satisfied that the design of the proposed dwelling is compliant with these guidelines. I am satisfied overall that the design and scale of the dwelling has adequate regard to the visual amenities of the area and the residential amenities of adjoining properties. I would also consider that the proposal is satisfactory in regards to the residential amenities of future occupants providing a dwelling that is compliant with the relevant development control; standards set down under the County Development Plan and the Department of the Environment's guidelines.

7.4 Traffic Impact:

7.4.1 The proposal is for a new dwelling with vehicular access onto Cedarmount Road. The road is 4m wide with footpaths along each side. On the eastern side of the road are double yellow lines and on the western side there is on-street car parking. The road forms junction with Trees Road Upper to the south and the road that continues through the existing housing development forms a junction with Glenabbey Road to the north east of the site. It is proposed to provide a 3.5m wide vehicular access and one off-street car space. It is notable that condition no. 5 requires amendment to the proposal to provide a wall at least 1m either side of the proposed new vehicular entrance at no more than 1.1m so as to provide good visibility for vehicles and pedestrians of exiting vehicles and vice versa from the said vehicular entrance. The height of the piers and gates to be also a maximum of 1.1m.

7.4.2 In terms of traffic impact the proposal is for one additional dwelling in an established residential area. In this regard I would consider that the level and nature of traffic likely to be generated would not be a significant intensification of traffic movements at this location. In regards to sightlines, the alignment of the public road and the width of the verge and footpath means that sightlines at the proposed entrance are of a reasonable standard. I would consider that the terms of condition no. 5 or similar should be imposed to ensure adequate visibility due to the height of the existing wall. Notwithstanding such, subject to a condition to this effect I am satisfied that the visibility at this location is of a satisfactory standard. I am satisfied that the traffic movements associated with a single dwelling onto an existing residential distributor road would not generate any traffic concerns. As noted earlier the proposal for one off-street car parking space is compliant with development plan requirements (table 8.2.3).

7.5 Other Issues:

7.5.1 Having regard to the nature and scale of the proposed development and its 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 I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to design and would not seriously injure the visual or residential amenities of the area. The proposed development would also be satisfactory in regards to traffic safety and convenience. 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 proposed development shall be amended as follows:

(a) the front boundary wall (western boundary) of the proposed development shall be no more than 1.2 in height for the entire road frontage of site.

Revised drawings show compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

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 and a construction stage traffic management plan.

Reason: In the interest of public safety and residential amenity.

6. 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 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 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.

Colin McBride
Planning Inspector

10th April 2017