



An  
Bord  
Pleanála

## Inspector's Report PL06S.247974

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<b>Development</b>	Demolition of side extension, construction of a house and new vehicular access.
<b>Location</b>	76 Ellensborough Rise, Tallaght, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD16A/0412.
<b>Applicant</b>	Mary Keddy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary Keddy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2017.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

1.1. The site is located within the Ellensborough residential area of Tallaght. The site is located at the end of a cul de sac comprising of two storied semi-detached dwellings. On the site is a semi-detached dwelling with garden areas to the front (south), rear (north) and side (west). To the rear of the site is another row of semi-detached dwellings. To the west and south are open areas. The site itself is a corner site roughly rectangular in configuration and has a stated area of 0.023 hectares.

## 2.0 Proposed Development

2.1. The application is for the demolition of an existing single storey side extension and for the construction of a two storied house attached to the side of the existing two storied dwelling. The existing dwelling has a stated floor area of 138m<sup>2</sup> and it is proposed to demolish 27m<sup>2</sup> of the existing dwelling.

2.2. The floor area of the proposed development is stated as 97m<sup>2</sup>. The new development will retain the existing roof ridge height of the existing dwelling and general visual external appearance, design and finishes. Access to the new dwelling will be from the gable elevation. Two bedrooms are proposed at first floor level.

2.3. The proposed dwelling has a frontage of 4083mm at the front elevation and widens to 5389mm at the rear. A side passage of 1200mm is retained.

2.4. It is also proposed to provide a new independent vehicular access with two on site parking spaces.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision of the planning authority was to grant refuse planning permission. One reason was stated.

3.2. The reason for refusal refers to the site being of insufficient size to accommodate an additional dwelling referring to the width of the house which is inconsistent with the pattern of existing dwellings in the area and would therefore be contrary to section

11.3.2(ii) of the county development plan which relates to corner/side garden sites. Reference in this regard is made to the dwelling as proposed having a width of circa 4 metres and the existing dwelling houses have a width of circa 5.9 metres.

## **4.0 Planning Authority Reports**

### **4.1.1. Planning Reports**

The planning report refers to zoning and policy provisions of the current development plan. It refers to the site's planning history. The report indicates compliance in relation to the area of the unit, provision of private amenity open space but it is considered that the site does not meet the criteria of section 11.3.2(ii) of the plan relating to corner/side garden sites and refusal of permission was recommended.

### **4.1.2. Other department reports raise no objections.**

## **5.0 Planning History**

### **5.1. P.A. Ref No. SD16A/0328**

Permission refused for a two storey family flat of 92m<sup>2</sup>. The reason for refusal refers to the floor area of the development as significantly above the 50% of the existing floor area of the dwelling and this was contrary to policy 11.3.3(ii) of the SDCDP 2016-2022.

### **5.2. ABP Ref No 06S.228899/P.A. Ref No. SD08A/0083**

Permission granted on appeal by the Board on the appeal site for a development initially applied for as a two storey dwelling which was in the course of the appeal amended to render the development as a family flat.

## **6.0 Policy Context**

### **6.1. Development Plan**

#### **6.1.1. The operative plan is the South Dublin County Development Plan 2016-2022**

The site is located within an area zoned with the objective RES "to protect and/or improve residential amenity".

- 6.1.2. There are provisions in the development plan which refer to corner sites. I refer to the following in this regard;
- 6.1.3. Section 1.2.29 refers to Corner Site Development and indicates “corner site development refers to the sub-division of an existing house curtilage to provide an additional dwelling in existing built up areas”.
- 6.1.4. Policy H17: Corner Site Development. “It is the policy of the Council to favourably consider proposals for the development of corner sites or wide side garden locations within established areas, subject to the following:
- Contemporary design is promoted with a building language that is varied and forward-looking rather than repetitive and retrospective;
  - Scale that respects adjoining development;
  - Gable walls should not be blank. Buildings should be designed to turn the corner and provide interest and variety to the streetscape;
  - Compliance with standards set out in the Plan for both the existing and proposed dwelling;
  - Maintenance of existing front building lines and roof lines where appropriate and
  - Proximity to piped public services”.
- 6.1.5. Chapter 11 relates to implementation and section 11.3.2(ii) specifically refers to corner/side garden sites and outlines criteria to be met which include;
- The site should be of sufficient size and an appropriate set back should be maintained from adjacent dwellings.
  - The design should match the building line and respond to the roof profile of adjoining dwellings.
  - The architectural language should respond to the character of adjacent dwellings.
  - Promote a sense of integration.
  - Corner sites should provide for a dual frontage and avoid blank facades.

6.1.6. Other standards relating to car parking are outlined in section 11.4.2 and table 11.24. private amenity open space in table 11.20.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The first party appeal refers to the following in the grounds of appeal.

- The reference in the grounds of appeal to circa 4 metres is factually incorrect. The proposed dwelling has a width of 4.083 metres to the front but widens to a width of 5.389 metres at the rear.
- The development is not inconsistent with the established pattern of development and reads like an extension to the existing dwelling in relation to external features.
- There are numerous examples in the Tallaght area similar to the proposal so it is not inconsistent with section 11.3.2 of the plan.
- The site is perfectly big enough to accommodate a dwelling and complies with requirements in relation size and area of dwelling, private open space and parking.
- Reference is made to the surface water measures proposed for the proposed development.
- Reference is made to the planning history of the site.
- Could the Board if it rejects the current proposal grant a similar proposal to that granted by the Board under PL.06S.228899. The appellant will adapt the plans to show interconnecting doors on ground and first floors but this measure is the least preferred option.
- The previous permitted proposal could not be proceeded with but the appellant is now in a position to proceed with the development.
- The proposal meets a housing need of family members and will be in close proximity to elderly parents.

- The development blends in and there is precedent for it and is an imaginative use of a corner site.

## 7.2. Planning Authority Response

The planning authority in a response dated the 1<sup>st</sup> of March 2017 refers to;

- The planning authority confirms its decision.
- The issues raised are covered in the planner's report.

## 8.0 Assessment

- 8.1. In relation to the proposed development the primary issues relate to the planning history of the site, policy and details specific to the proposal as submitted.
- 8.2. The planning history is referred to in section 5 of this report.
  - 8.2.1. The Board under ABP Ref No 06S.228899/P.A. Ref No. SD08A/0083 granted on appeal by on the appeal site a development initially applied for as a two storey dwelling which was in the course of the appeal amended to render the development as a family flat. The permission was not acted upon for reasons outlined in the grounds of appeal.
  - 8.2.2. Subsequently in 2016 the applicant/appellant applied to the planning authority under P.A. Ref No. SD16A/0328 for a two storey family flat of 92m<sup>2</sup>. This application was refused and the reason for refusal refers to the floor area of the development as significantly above the 50% of the existing floor area of the dwelling and this was contrary to policy 11.3.3(ii) of the SDCDP 2016-2022. The refusal was not appealed. The current application in many respects reverts back to ABP Ref No 06S.228899 in applying for a dwelling as distinct to a family flat.
  - 8.2.3. The site has a history of a permission for a development of a similar scale and area as that currently applied for.
- 8.3. In relation to policy I would refer to section 6 of this report for policy context.
  - 8.3.1. The current provisions of the South County Dublin Development Plan in principle permit consideration of a corner site development and in this regard I would refer to policy H17: The policy although indicating it would favourably consider proposals for

the development of corner sites or wide side garden locations within established areas does set out matters and criteria to be considered in assessing such proposals and these are further outlined in section 11.3.2(ii). Essentially the plan sets out design parameters and that the site should be of sufficient size and an appropriate set back should be maintained from adjacent dwellings.

- 8.3.2. It is in relation to site size that the principle objection is raised and this matter is addressed in section 8.4 of the report but essentially the plan does provide for the principle of the development and I would have no objection with the principle of a dwelling or an extension to accommodate a family flat where the site size and configuration permits such consideration.
- 8.4. The main issue arising in this appeal relates to the design as submitted and the consideration of design in the context of its environs and nearby development. In relation to the current proposal the issue relates to consideration of the design and the siting of the development as submitted and consideration of the development in the context of 11.3.2(ii) of the plan which the planning authority does not consider the development complies with.
- 8.4.1. Section 11.3.2(ii) specifically refers to corner/side garden sites and outlines criteria to be met. The criteria consider the site should be of sufficient size and an appropriate set back should be maintained from adjacent dwellings; that the design should match the building line and respond to the roof profile of adjoining dwellings that the architectural language should respond to the character of adjacent dwellings, promote a sense of integration and that corner sites should provide for a dual frontage and avoid blank facades.
- 8.4.2. Other standards relating to car parking are outlined in section 11.4.2 and table 11.24. private amenity open space in table 11.20.
- 8.4.3. The principle objection would appear to be the width of the dwelling at the front of the dwelling and therefore the divergence in proportion from the existing and other dwelling in the immediate area with a frontage of approximately 4 metres as opposed to the other dwellings which have an approximate width of 5.9 metres.
- 8.4.4. In other respects, the proposal meets I consider address other criteria having sufficient overall area, private amenity space and on site parking.

- 8.4.5. In the grounds of appeal, the appellant refers to the dwelling as circa 4 metres as factually incorrect. The proposed dwelling has a width of 4.083 metres to the front but widens to a width of 5.389 metres at the rear. This is correct as the site broadens in width and the rear elevation has a wider width than the front elevation.
- 8.4.6. The appellant also contends that the development is not inconsistent with the established pattern of development and reads like an extension to the existing dwelling in relation to external features. In this regard I do consider that in many respects the proposal in appearance is similar to an extension and heights and overall visual appearance do respect existing development. It is not exactly the same as the development and given the nature of the development this would be expected but I do not consider that the proposal as submitted is not inconsistent with the established pattern of development in relation to external features.
- 8.4.7. The appellant contends that the site is perfectly big enough to accommodate a dwelling and complies with requirements in relation size and area of dwelling, private open space and parking and as already indicated, I consider that this is the case and the planning authority reports also infer this as the position.
- 8.4.8. In relation to this type of the development the issue of precedence is often raised but this form of development can only be assessed on the circumstances of the individual site. In this regard it is noted that in the plan does not in principle preclude such development but requires each development to be assessed in accordance with criteria and standards set out in the plan which is a reasonable approach.
- 8.4.9. I also note that in the grounds of appeal the appellant has indicated that could the Board if it rejects the current proposal grant a similar proposal to that granted by the Board under PL.06S.228899. The appellant will adapt the plans to show interconnecting doors on ground and first floors but this measure is the least preferred option.
- 8.4.10. Having considered the submissions and the details relating to the proposal I would have no objection to an individual dwelling as proposed or a family flat on the site as the site I consider can reasonably accommodate development of the nature and scale proposed without adversely impacting on the area in the vicinity.



## 9.0 Recommendation

9.1. I recommend that permission be granted.

## 10.0 Reasons and Considerations

10.1. Having regard to the nature of the proposed development; its location, and the provisions of the current South Dublin County Development Plan 2016-2022, it is considered that subject to it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29<sup>th</sup> of November 2016, 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 interests of clarity

- 2 In relation to the proposed dwelling house, the external features and finishes shall match those of the existing adjoining dwelling in relation to colours and materials. The roof colour of the proposed house shall match that of the adjoining house and the colour of the ridge tile shall match that of the adjoining house

**Reason:** in the interests of orderly development and in the interests of visual amenity.

- 3 All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

- 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 Details relating to the provision of the vehicular access to serve the existing dwelling house and the proposed dwelling house and any alteration to the public kerb shall be agreed with the planning authority prior to the commencement of any development works on the site

**Reason:** In the interest of pedestrian and traffic safety.

- .6 . The site shall be landscaped in accordance with an overall scheme of landscaping, details of which shall be submitted to the planning authority for written agreement, and such agreement obtained within two months of the date of this order. The scheme shall also include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

- .7 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 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.

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. Derek Daly  
Planning Inspector

28<sup>th</sup> April 2017