



An  
Bord  
Pleanála

## Inspector's Report PL29N.248005

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<b>Development</b>	Demolition of side extension and construction of 2-storey dwelling in side garden
<b>Location</b>	Roccol, 14 Nutley Lane, Donnybrook, Dublin 4
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3881/16
<b>Applicant(s)</b>	Nives & Conn Collins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Stephen &amp; Felicity McGovern</li><li>2. Bernard Rea &amp; Áine Rea</li><li>3. David Coyle</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Marie Dwan</li><li>2. Meadhbh Leamy</li></ol>
<b>Date of Site Inspection</b>	25 <sup>th</sup> April 2017
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the corner at the junction of Nutley Lane and Nutley Park in Donnybrook, 4km southeast of Dublin city centre. It has approximately 22m frontage onto Nutley Lane and approximately 43m frontage onto Nutley Park and faces the main entrance to the RTÉ studios.
- 1.2. The site contains a 2-storey detached house with single-storey flat-roof extensions on both sides. Vehicular access to a front driveway is provided off Nutley Lane and a pedestrian access is also available off Nutley Park. The site boundaries comprise a wall of varying height with several trees positioned inside this.
- 1.3. The immediate surrounding area is generally characterised by rows of detached and semi-detached dwellings, fronting onto tree-lined streets. Nutley Lane serves as a busy thoroughfare between the Stillorgan Road (N11) and the Merrion Road (R118) Ground levels in the immediate vicinity are relatively flat with a slight, gradual drop in levels towards the southeast.

## 2.0 Proposed Development

The proposed development comprises the following: -

- construction of a part-single, part-two storey 3-bedroom detached house, with a stated gross floor area of 176sq.m, in the side garden of No. 14 Nutley Lane;
- demolition of existing flat-roof single-storey side extension and internal screening walls and the blocking up of the existing pedestrian access on the eastern side of the house;
- New and separate vehicular and pedestrian access off Nutley Park, soft and hard landscaping and a new boundary with the existing dwelling to subdivide the site;
- two-storey and single-storey hipped-roof elements to house connected by a flat-roof single-storey element.
- proposed house will be finished in roof slates, cement cladding and alu-clad windows. Solar panels are proposed on the south-facing rear roof profile.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to 9 standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority. The Planning Officer noted that the proposals met standards regarding living accommodation, private open space and car parking. Further Information was requested to address concerns regarding the proposed elevation onto Nutley Park and roof profiles, and the submitted response was considered acceptable by the Planning Officer.

#### 3.2.2. Other Technical Reports

Engineering Department (Drainage Division) - no objection subject to conditions.

Roads, Streets & Traffic Department (Road Planning Division) - proposal will result in the loss of pay and display car parking, but no objection subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third-Party Submissions

3.4.1. The Planning Authority received **seven** third-party submissions. The issues raised in these submissions are covered in the grounds of appeal below.

## 4.0 Planning History

### 4.1. Subject Site

- 3872/80 - Permission **granted** for single-storey granny flat to side of the property.

## 4.2. Surrounding Sites

Planning permission (3261/07) for a mews house to the rear of No. 16 Nutley Park was refused by the Planning Authority in 2007, as it was considered that the proposals would not be in keeping with the established character of the area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z1' 'Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective "to protect, provide and improve residential amenities".
- 5.1.2. The most relevant planning policies for the proposed development are set out under Section 5 (Quality Housing) and Section 16 (Development Standards) within Volume 1 of the Development Plan. Design standards for infill development are set out under Section 16.2.2.2 of the Plan and issues for consideration in assessing proposals for corner/side garden sites are set out in Section 16.10.9.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A total of **three** third-party appeals have been submitted by local residents on Nutley Park, and the grounds of appeal can be summarised as follows:

- Design concerns including, building features out of character with surrounding architectural styles, the lack of regard for the Nutley Park elevation, the lack of area for landscaping, and the absence of a front entrance to the new house;
- Impact on residential amenity of neighbouring properties;
- There is neighbouring precedent for a refused mews development and the proposed development would lead to an undesirable precedent;

- Traffic hazard resulting from increased parking demand, vehicular movements and traffic congestion, and a request for vehicular access solely off Nutley Lane;
- No opportunity for parties to respond to the Further Information submitted to the Planning Authority;
- Reduction in property values, construction impacts and a request for a bond to address potential loss of trees;
- Non-compliance with Development Plan policy.

## 6.2. Applicants' Response

The applicants' response to the appeal included the following:

- No objection from the Council's Roads & Traffic Planning Division with regards to the vehicular access and parking arrangements;
- Proposals respect the existing character of housing in the area and have been designed to avoid an overbearing impact onto Nutley Park;
- Neighbouring precedent quoted is not relevant given differences in design and site;
- Rationale for the design approach is set out, including scale, building lines, heights, style and materials;
- Proposals show the existing two street trees on Nutley Park remaining in situ;
- Proposals do not directly impact on neighbouring properties given the size of the subject site and the separation distances achieved.

## 6.3. Planning Authority Response

None.

## 6.4. Observations

Two observations to the appeals have been submitted and these are summarised as follows:

- Development not in keeping with the scale and design, including building line of neighbouring properties;
- Visual impact on the streetscape;
- Impact on residential amenity of the area and neighbouring properties;
- Traffic and parking congestion;
- Request for vehicular access solely off Nutley Lane;
- Potential to set an undesirable precedent.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. The principle of developing the proposed house on this corner site zoned 'Z1' for 'Sustainable Residential Neighbourhoods' is acceptable, subject to planning and environmental considerations outlined below. It is also considered that the proposed development complies with Development Plan standards in terms of internal layout and room sizes, open space and parking provision. Consequently, the main issues arising in the grounds of appeal are as follows:

- Design & Impact on Visual Amenity;
- Impact on Residential Amenity;
- Traffic & Access;
- Other Matters.

### 7.2. **Design & Impact on Visual Amenity**

7.2.1. The grounds of appeal argue that the proposed development will be out of character and scale with surrounding properties. The current County Development Plan has specific requirements for development in side gardens, noting that additional residential units will generally be allowed for on suitable large sites and where they do no compromise the quality of the original house. It is noted that this area is not provided with any conservation status.



- 7.2.2. The Development Plan lists a range of criteria to be assessed for proposals of this nature, including the **character of the street**, compatibility with adjoining dwellings and building lines. Acknowledging that there is an established rhythm of semi-detached and detached housing on the neighbouring residential streets, the introduction of an additional detached unit, with adequate separation from the adjoining dwelling, will not unduly impact on this characteristic of the street.
- 7.2.3. The relationship of the proposed house with the **adjoining dwelling**, No. 14 Nutley Lane, is noted, including the slight difference in floor levels. The palette of finishes and general proportions compliment the adjoining dwelling. In terms of height, scale, massing and layout, the proposal can reasonably be viewed as being in keeping with No. 14 and will not unduly impact on the amenities of this property.
- 7.2.4. The primary front **building line** along Nutley Lane is maintained, while it is noted that the proposed dwelling will be forward of the building line defined by dwellings fronting onto Nutley Park. Considering the hierarchy of the streets, the size of the site and the distance from the two-storey element to the nearest dwelling on Nutley Park, it is reasonable to concur with the Planning Authority that the proposed development will not detrimentally impact on the established building line.
- 7.2.5. It is noted that the Plan states that the provision of **landscaping and boundary treatments** should be in keeping with neighbouring properties. Landscaping to the front of the new house will largely maintain the present arrangement, while raised planters and paving are proposed to the rear. A wall is proposed to form the new boundary with No. 14, and the existing boundary along Nutley Park will be maintained where possible. Proposals do not result in the loss of any street trees. Landscaping and boundary treatments can therefore be considered to be in keeping with neighbouring properties. It is reasonable to conclude that the contemporary design approach to develop the subject corner site would be in keeping with the provisions of the current Dublin City Development Plan.
- 7.2.6. The appellants raise issues regarding the impact of the proposals when viewed along Nutley Park, in particular the **visual impact** at the entrance to the street. Views of the proposed development will be limited from neighbouring properties and will be primarily only available from the immediate approaching streets. Street trees and mature gardens intermittently screen views of the site, including the rear of No.

14 Nutley Park. Several roof and building profiles are introduced within the proposed development and while it would have been more preferable to avoid the introduction of an additional hipped roof in the single-storey rear element of the house, on balance it is not considered to present significant reason for its omission or refusal of the proposed development. In conclusion the proposed development would not be so detrimental such that it would detract from the visual amenity of the area and the proposed development should not be refused for this reason.

- 7.2.7. The grounds of appeal assert that the proposed development would have an **overbearing** impact onto Nutley Park. It is noted that only a relatively short section of the two-storey element of the proposed building is positioned proximate to the side boundary with Nutley Park. While the single-storey element will project over the boundary with Nutley Park, it is considered that the proposals will not have a significant visually overbearing impact along Nutley Park.
- 7.2.8. The appellants are concerned that permitting this development would create a **precedent** for further similar development. It is noted that there are very limited similar opportunities for infill dwellings in side gardens or corner sites in the immediate vicinity. It should also be noted that this proposal, and every other proposal that may or may not materialise, would be considered on their own merits.

### 7.3. **Impact on Residential Amenity**

- 7.3.1. The height, scale and design of the proposed development has been determined above to be acceptable in the context of its relationship with No. 14 Nutley Lane and with the streetscapes. The proposal is not seen to have any adverse impacts on the residential amenities of properties to the east or to No. 14, which is noted not to include first-floor side elevation windows. The proposed house will be located to the north of No. 47 Nutley Park. Having regard to siting and orientation, the new house could not be viewed as having an adverse impact on No. 47 Nutley Lane in terms of overshadowing or by having an overbearing impact. Furthermore, considering the absence of first-floor habitable room windows on the side elevation to No. 47 and its siting relative to the new house, undue impact via overlooking between properties does not arise. Consequently, the proposed development will not have a detrimental impact on the residential amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to daylight and sunlight.

#### 7.4. **Traffic & Access**

- 7.4.1. The grounds of appeal consider that a more appropriate means of vehicular access should be taken from Nutley Lane and that the proposals will lead to traffic hazard and parking congestion. Considering differences in traffic volume, with Nutley Park secondary to Nutley Lane, it is far more reasonable to take the vehicular **access** off the former, as is proposed, and away from the junction. A 3.5m wide gated access is proposed and it is noted that the Planning Authority did not require the adjoining boundaries to be reduced for visibility purposes. The grounds of appeal assert that the increase in **traffic** associated with an additional house will impact significantly on the amenity of properties along Nutley Park. It is noted that the proposed development meets the parking requirements of the Development Plan, and despite the loss of on-street 'pay and display' parking, the Road Planning Division of Dublin City Council has no objection to the development. The access arrangements proposed and the small scale of traffic and parking associated with one additional house would not create any issue with regard to traffic safety or the capacity of the road network. Accordingly, the development would not give rise to traffic hazard and should not be refused for this reason.

#### 7.5. **Other Matters**

- 7.5.1. It is noted that the proposed site layout plan submitted with the planning application identifies a shed to the rear of the site, although there is no specific reference to this in the statutory notices, nor have further details of the shed been provided. Consequently, should permission be granted for the proposed development, a condition can be attached to clarify that the shed does not form part of the permission. Furthermore, as the proposed new house will only marginally meet the private amenity space standards, should permission be granted, a condition can be attached to control any further reduction in private amenity space serving the subject property.

### 8.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest

European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

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

## 10.0 Reasons and Considerations

Having regard to the zoning, nature and scale of the proposed development, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would not be out of character with development within the area, would be acceptable in terms of visual impact and traffic safety, and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed development 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 further information received by the Planning Authority on 21<sup>st</sup> December 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 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 the visual amenities of the area.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

5. Notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the new house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new dwelling.

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 & 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 & 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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Colm McLoughlin  
Planning Inspector

8<sup>th</sup> May 2017