



An  
Bord  
Pleanála

## Inspector's Report PL06S.248173

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<b>Development</b>	2 houses, driveway and off-street parking.
<b>Location</b>	28 Hollyville Lawn, Dublin 20
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD16A/0371
<b>Applicant(s)</b>	Peter Grogan and Mary Mullany
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	P Van Cauwelaert
<b>Observer(s)</b>	James and Dolores Murray Mary Dillon-Reidy
<b>Date of Site Inspection</b>	13 <sup>th</sup> June 2017
<b>Inspector</b>	Rónán O'Connor

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## 1.0 Site Location and Description

1.1. The subject site is located in a cul-de-sac housing estate, accessed off the Old Lucan Road. On site is a two-storey detached red brick dwelling. The estate is characterised by a mix of two-storey semi-detached and detached dwellings.

## 2.0 Proposed Development

2.1. 2 houses, driveway and off-street parking.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Grant permission. There are no conditions of particular note.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- Concerns in relation to the position of the proposed dwellings which face the side elevation and private amenity space of neighbouring dwelling at No. 27 Hollyville Lawn.
- Additional information was requested in relation to (i) revised positioning of the dwellings (ii) details of watermain layout and (iii) details of boundary treatment.

Following submission of Additional Information, the Planning Officer recommended a grant of permission.

#### 3.2.2. Other Technical Reports

Irish Water – require watermain drawings.

Surface Water Drainage – No objection subject to condition.

Roads – No objection subject to conditions.

Parks & Landscaping Services Department – No objection.

### 3.3. **Prescribed Bodies**

3.3.1. Transport Infrastructure Ireland – rely on planning authority to abide by official policy.

### 3.4. **Third Party Observations**

3.4.1. 11 submissions were received objecting to the application. The issues raised are covered within the grounds of appeal.

3.4.2. 1 submission was received in support. This is summarised as follows:

- Supports design and development is not intrusive as it is set back
- Productive use of dead space in the current climate of housing shortage

## 4.0 **Planning History**

4.1. None

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **South Dublin County Development Plan 2016-2022**

5.1.1. The relevant document is the South Dublin County Council Development Plan 2016-2022. The site is zoned RES – ‘To protect and/or improve Residential Amenity.

- Chapter 2 refers to housing, Chapter 9 to Heritage, Conservation and Landscapes and Chapter 11 refers to Implementation.
- Section 2.4 of Chapter 2 considers Residential Consolidation – Infill, Backland, Subdivision & Corner Sites.
- H17 Objective 3: To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

- Section 9.1.4 refers to Older Buildings, Estates and Streetscapes.
- Chapter 11 sets out development standards and criteria.
- Corner/side garden sites are addressed in Section 11.3.2.

## 5.2. Natural Heritage Designations

5.2.1. None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of the Third Party Appeal, as submitted by Axis Architecture, on behalf of the appellant, are as follows:

6.1.2. Inconsistent with the County Development Plan -

- Inconsistent with proper and sustainable development.
- Traffic impact causing serious safety risk.
- Negative visual impact on the character of the area.
- Impact on residential amenity.
- Inadequate assessment of impacts of the proposed development by the Local Authority.
- Narrow frontage means buildings are set behind building line and overlook neighbouring property.
- Impact on road safety as a result of houses utilising the same access.
- Roof levels and style are different from neighbours.
- Poor quality design.
- Insufficient public open space/children's play.
- Rooms do not meet standards

## 6.2. Applicant Response

6.2.1. A response to the Third Party Appeal was submitted by PDN Associates, on behalf of the applicants:

- Development is in line with standards in the CDP
- Shadow study shows that there will not be a negative impact on No. 27 Hollyville Lawn.
- Design has the least possible impact on surrounding landscape
- Higher density is promoted near centres – site is 10 mins from Palmerstown Centre
- Limited impact on the number of car movements generated.
- Sightlines are sufficient
- Road safety is enhanced when the egress/exit is located to a single access point
- Impact on neighbouring amenity and residential character has been assessed by the planners.
- Examples of variation in dwelling types have been submitted.
- Examples of previous permissions are highlighted.

## 6.3. Planning Authority Response

6.3.1. Issues raised are covered in the planner's report.

## 6.4. Observations

6.4.1. Observations in support of Third Party Appeal received from Mr & Mrs James Murray and Mrs Mary Dillon-Reidy. The issues raised are summarised below

- Development would be out of line within neighbouring houses
- Area is too small for the development/ No room for two houses
- Increased traffic and impact on parking

- Create a safety hazard.

## 6.5. Further Responses

6.5.1. None

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Residential Amenities
- Design of Proposal
- Development Standards
- Traffic Issues including parking and safety
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The site is zoned RES - RES – ‘To protect and/or improve Residential Amenity. Residential is a permitted use and as such the principle of two residential dwelling is acceptable. Furthermore, CDP policies support the development of corner sites, subject to the protection of existing residential amenities and the preservation of the established character of the area.

### 7.3. Residential Amenities

7.3.1. The two-dwellings are set back from the main building line of the neighbouring houses at No. 27 (appellant’s property) and No. 28 (applicant’s property - existing dwelling on site). A revised site layout plan received by the planning authority as part of the additional information submitted shows a revised orientation which results in the windows of proposed house No. 28B facing towards the side elevation of No. 27 Hollyville Lawn (the appellant’s dwelling). Save for an obscured glazed window there are no other windows at first floor level on the side elevation of No. 27. As such there

will be no overlooking of this dwelling. Proposed house No. 28A has windows which face the side elevation of the existing property on site (No. 28). At first floor level this property only has an obscured glazed window on the side elevation and as such no overlooking of No. 28 will result.

7.3.2. The proposed houses are set back sufficiently from No's 27 and 28 so as to ensure that no loss of daylight or sunlight will result and also to ensure that no loss of outlook will result.

7.3.3. I conclude there will be no loss of residential amenity as a result of the proposal.

#### **7.4. Design of Proposal**

7.4.1. The design of the proposed dwelling houses is a traditional suburban appearance. The overall style does differ from the dominant style of the estate, with dormer elements to the front and rear. However, my observations on site was that there some disparity in appearance is present on the estate, in terms of different rendering, some dwellings having two-storey side extensions, and some dwellings being detached and some semi-detached. Further from the site, along the Old Lucan Road, there is considerable disparity in styles. As such, I do not consider replacement dwellings in this location would need to slavishly follow the exact appearance of dwellings in the immediate vicinity, given the disparity of styles present, both within the estate and on surrounding roads.

7.4.2. While I note the dwellings sit behind the established building line, no amenity issues arise from this and I consider the appearance from the streetscape is acceptable. A dual frontage is maintained in line with the criteria for corner/garden sites as outlined within the CDP.

7.4.3. The height of the dwellings sit below that of the neighbouring dwellings and I do not consider that the overall appearance will be overbearing or dominant within the streetscape.

#### **7.5. Development Standards**

7.5.1. The proposed dwellings exceed the standards as set out in the CDP in relation to overall floor area and private open space provided. I do not consider it appropriate or feasible to provide public open space as part of this proposal, given the relatively limited extent of development and the nature of the site.



## **7.6. Traffic Issues including parking and safety**

- 7.6.1. The proposed dwellings, and the existing dwelling, share one access point and I note there is parking for 6 cars in total, two per dwelling. I do not consider the provision of a shared access to be detrimental to road safety as the arrangements for access/egress are similar to those which exist within the estate.
- 7.6.2. I do not consider the proposal will lead to increased pressure on parking within the estate given that each dwelling is provided with 2 spaces, in line with parking standards within the CDP.

## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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**

- 8.1.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

- 9.1.1. Having regard to the zoning of the site, the acceptable scale, layout and design of the proposed dwellings, and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual 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.

## **10.0 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 25<sup>th</sup> Day of January 2017, 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 windows at first floor level on the western elevation of proposed dwelling 28B and on the eastern elevation of proposed dwelling 28A shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

3. 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.

4. 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.

5. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and material to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. All service cables associated with the proposed development (such as

electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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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Rónán O'Connor  
Planning Inspector

16<sup>th</sup> June 2017