



An
Bord
Pleanála

Inspector's Report 248455.

Development	Permission for demolition of dwelling and construction of new dwelling with vehicular entrance widening, entrance gate and all associated site works.
Location	6 The Park, Cypress Downs, Dublin 6W.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17A/0053.
Applicant(s)	Brookrush Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	1. Edward Garvey 2. Tony Quinn
Observer(s)	None.
Date of Site Inspection	19 th July 2017.
Inspector	Bríd Maxwell.

1.0 Site Location and Description

1.1. The appeal site 0.0401ha comprises an established dwelling site located at 6 The Park, Cypress Downs, Templeogue, Dublin 6W. The site is the last house on a cul de sac facing open space. The site is occupied by an established two storey detached dwelling with a gross floor area of 212m² and garden to front and rear. The general area is characterised by detached two storey dwellinghouses, predominantly finished in brick. Cypress Grove north adjoins to the east with the immediately adjacent house, 19 Cypress Grove North (property of third party appellant Mr E Garvey) having opposite orientation to that of the dwelling on the appeal site. I noted on the date of site visit that 19 Cypress Grove North, is currently being renovated and extended. (I note that the Mr Garvey submitted details of his intended exempted extension with objection and grounds of appeal)

2.0 Proposed Development

2.1. The proposal involves demolition of the existing two storey dwelling, and construction of a new two storey detached dwelling 325m², widening of existing vehicular entrance piers to 3.5m with new entrance gate, and all associated site works. The cover letter submitted with the application indicates that the first party intended to complete a large extension and refurbishment project on the dwelling however following professional advice it is proposed to demolish the existing house and construct a new house to the same style, scale and proportion as the initial extension proposal. This will result in a dwelling of higher quality and greater energy efficiency than would be possible working within the confines of an existing structure. The roof ridge height window placement and front building line will be retained as per existing,

3.0 Planning Authority Decision

3.1. Decision

The Council by order dated 18th April 2017 decided to grant permission and 8 conditions were attached including:

Condition 2. All external finishes to harmonise with the existing dwellings to west with brick predominant to front elevation. New piers to match existing.

Condition 8. Development Contribution €27,644.50.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 The Planning report helpfully summarises the change between existing and proposed dwelling as follows:

- Increase in size from 212 to 315 sq.m
- Break in building line by full height bay window block advancing by 1-2m
- Replacement of single storey garage with part of the new two storey house leading to decrease in separation distance at first floor level to eastern boundary from approximately 3.3m to approximately 0.3m.
- Reduction in garden depth to rear from approximately 11m to 8.86m leading to window to window separation distance from 25m to approximately 23m.
- Change in roof profile to form a flat topped skirt roof.
- Inclusion of family room at attic level with *velux* windows and top lights.
- Replacement of partly lawned front garden with permeable paving.
- Reconstruction of front elevation with brick to projecting bow and render to other walls.

3.2.1.2 Report asserts that due to the orientation of the house at 19 Cypress Grove North, any additional overshadowing to the rear garden is likely to be minimal. Proposed mixed render and brickwork finish to front elevation considered is inappropriate.

3.2.2. Other Technical Reports

3.2.2.1 Roads Department - No objection subject to conditions.

3.2.2.2 Water Services Report. No objection subject to conditions.

3.3. Third Party Observations

- 3.3.1 Submission from Edward Garvey 19 Cypress Grove North, objects on ground of overshadowing. Notes the intention to build a planning exempted development extension which relies heavily on light from the west side of the site.
- 3.3.2 Submission from Tom Quinn owner of the adjoining property, 5 The Park. No objection in principle however there should be a strong justification for demolition of an existing dwelling. Submission refers to H17 Objective 5 “To ensure that new development in established areas does not impact negatively on the amenities or character of an area, and H17 Objective 7 *“To support and facilitate the replacement of existing dwellings with one or more replacement dwellings subject to the protection of existing residential amenities and the preservation of the established character including historic character and visual setting of an area.”*”

4.0 Planning History

- 4.1 No recent planning history on the appeal site or in the immediate vicinity.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The South Dublin County Development Plan 2016-2022 refers.
- The site is zoned RES *“To protect and/or improve residential amenity”*.
 - Section 2.4.0 Residential Consolidation
 - Policy H17. *“To ensure that new development in established areas does not impact negatively on the amenities or character of the area”*.
 - H17. Objective 7 *“To support and facilitate the replacement of existing dwellings with one or more replacement dwellings subject to the protection of existing residential amenities and the preservation of the established character of the area.”*
 - Section 11.3 1 Dwelling Standards.

- 11.3.2 Infill Sites. *Proposals to demolish a dwelling to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

5.2. National Policy

Sustainable Residential Development in Urban Areas
Quality Housing for Sustainable Communities Best Practice

5.3. Natural Heritage Designations

- South Dublin Bay & River Tolka Estuary SPA
- Wicklow Mountains SAC
- Glenasmole Valley SAC
- Rockabill to Dalkey Island SAC
- North Bull Island SPA

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The First Third Party Appeal is submitted by Edward Garvey, 19 Cypress Grove North. Grounds of appeal are summarised as follows:

- Concern regarding impact arising from overshadowing of existing windows on the western side of 19 Cypress Grove.
- Increased height will increase tunnelling effect on the western side of 19 Cypress Grove North.
- Height, design and location off the road is sympathetic to the existing homes within its own estate however the scale and proximity of the building will be visually overbearing on the western side of 19 Cypress Grove North.
- Request that the Board assess all policies or objectives in the South Dublin County Development Plans relevant to the development.

6.1.2 The second third party appeal is submitted by Tom Quinn, 5 The Park. The grounds of appeal are summarised as follows:

- No objection in principle to the redevelopment however concern arises in relation to the scale and nature of the proposed development.
- Demolition of party wall between the properties is unnecessary. Potential long term negative impact on residential amenities,
- Proposed house is at variance with the established character.
- Negative impact on visual settings of the streetscape.
- Demolition of party boundary wall will result in interference with access to the side of the property and impact on shared foundations.
- Do not consent to access for purposes of demolition / construction

6.2 Applicant Response

6.2.1 The First Party Response is submitted by Brock McClure Planning and Development Consultants. The response addresses the issues raised in the appeal as follows:

- Grounds of appeal are without foundation in terms of the perceived impacts with regard to residential amenity and overshadowing.
- The applicant had intended to complete an extension and refurbishment project however following advise it is more economical to demolish and replace with similar styled scaled and proportioned dwelling. Replacement dwelling has the added benefit of modern construction and high residential sustainability standards.
- Proposal does not detract unnecessarily from the area in terms of streetscape presentation and residential amenities of adjoining dwellings.
- Overall increase in floor area of 113sq.m to meet growing family needs and greater energy efficiency.
- No adverse impact on the character of the area or in the residential amenity of adjoining properties.
- No significant loss of sunlight or daylight beyond the existing situation.

- Time involved in demolition and rebuild is significantly faster than a major renovation and will therefore minimise disruption to neighbours.
- Garage conversion and first floor extension at 2 the Green represents a similar scaled proposal that has not detracted from the character of the area.
- Works to boundary walls in suburban housing estates are a common occurrence without resulting in significant levels of disturbance.
- The build will be carried out using the latest architectural and engineering methodology to ensure no negative impact on the adjoining properties or structures.
- With regard to impact on 19 Cypress Grove North shadow assessment (21st March 21st June and 21st December) demonstrates that the only impact is on 21st March where a minimal increase in overshadowing to two windows on the western elevation of the property is observed. Level of overshadowing minimal.
- Notably mature trees on this boundary cause an existing level of overshadowing to this elevation.
- Proposed increase in height of the building at the property boundary is less than 2m and will not result in significant tunnelling. No overbearing impact.
- Letter submitted by Kelliher and Associates, Quantity surveyors outlined that feasibility study for the extension and refurbishment scheme indicated requirement for substantial amount of structural steelwork. The demolition provides for a far more cost efficient model of working

6.3 Planning Authority Response

6.3.1 The Planning Authority confirms its decision. Issues raised in the appeal have been addressed in the Planner's report.

7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal can be considered under the following broad headings.

- Principle of development.
- Quality of design and layout, residential amenity.
- Other matters.

7.2 Principle of development

7.2.1 As regards the principle of development, the site is zoned Existing Residential the objective is “*to protect and/or improve residential amenity*” and a proposal to improve or enhance the residential accommodation on the site is acceptable in principle and is appropriate in terms of the zoning objective. The next and key question raised particularly in the third party appeal of Tom Quinn in terms of the principle of development relates to the proposed demolition of the existing dwelling. Policy H17 of the County Development Plan expresses general support for the residential consolidation and sustainable intensification and in this regard the principle of development is in my view acceptable. The details submitted with the application and letter submitted with the appeal by Kelliher and Associates, Quantity Surveyors documents that in compiling a feasibility study for the proposed development of an extension and refurbishment as initially intended it emerged that the level of structural framework arising would result in substantial structural steelwork. The proposed development provides a more cost effective approach, results in a quicker timeframe and provides a more energy efficient end structure. Having reviewed the submitted details, it is my considered view that the proposed demolition has been justified and therefore the proposal can be considered on its merits in terms of the detail of the proposal.

7.3 Quality of Design and Layout – Residential amenity.

7.3.1 On the matter of the quality of the design and layout and impact on streetscape I note that the development plan Policy H17 objective 7 supports the replacement of existing dwellings subject to the protection of existing residential amenities and the preservation of the established character of the area. Whilst I note that the proposed replacement dwelling represents a departure from the pattern that exists with regard

to roofscape, provision of full height bay window and dwelling scale, there is precedent within the row for alterations. Furthermore having regard to the location of the dwelling at the end of the row and at the interface to the visible rear elevations of dwellings fronting onto Cypress Grove North, I consider that the overall design and finish (incorporating brick finish to front elevation as required in the decision of the Council Condition 2) would reflect the established features of the adjacent dwellings therefore I consider the impact on the streetscape to be consistent with the visual amenities of the area.

7.3.2 As regards the issue of the residential amenity of the proposed dwelling, I consider that the proposed layout provides for an improved standard of residential amenity and meets the relevant standards in terms of floor areas and private open space provision. As regards the impact on the established amenities of adjacent dwellings, I note that on the issue of overshadowing the shadow analysis submitted with the appeal shows a marginal increase in overshadowing to the western / side elevation of 19 Cypress Grove North. Having regard to the submitted details, I consider that the impact in respect of overshadowing and outlook is acceptable in the site context and the proposed development will not give rise to undue negative impact on residential amenity. As regards impact on adjacent dwellings in terms of construction impacts I consider that whilst there will clearly be some impact and disruption during construction, however on the basis of the limited duration of the construction period and subject to best standards the impact can be appropriately addressed. Similarly concerns regarding structural impacts can be mitigated and I note the submission of the first party in response to the appeal indicating that modern methodologies will be utilised to ensure no negative effects to adjacent structures.

7.4 Other Matters

7.4.1 As regards servicing, technical reports on file raised no specific concerns in terms of public sewer capacity and public water supply.

7.4.2 As regards the issue of Appropriate Assessment, having regard to nature of the proposed development and the proposal to connect to existing public services together with the separation from any designated European Site and having regard to

the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site. It is therefore considered that appropriate assessment under the Habitats Directive (92\43\EEC) is not relevant in this case.

7.5 RECOMMENDATION

7.5.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of South Dublin County Council to grant permission subject to the following conditions.

8.0 REASONS AND CONSIDERATIONS

Having regard to the South Dublin County Development Plan 2016 – 2022 and the Best Practice Guidelines, entitled Quality Housing for Sustainable Communities, the proposal would comply with the Zoning Objective A for the site and with Policy H17 Objective 1 and 7 and the provisions of Section 11 of the County Development Plan. This proposal would be compatible with the visual and residential amenities of the area would not impact unduly on the residential amenities of adjacent dwellings and would afford a satisfactory standard of amenity to future occupiers. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

9.0 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and paved areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Brick shall be the predominant finish to the front elevation.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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 only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. 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.

Reason: In the interests 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 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 – 2015. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Brid Maxwell
Planning Inspector

20th July 2017