



An
Bord
Pleanála

Inspector's Report PL 06D.248484

Development	Demolition of extension, garden wall and boiler house and construction of dwelling, entrance and off-street parking.
Location	67 Glenageary Park, Glenageary, County Dublin.
Planning Authority	Dún Laoghaoire-Rathdown County Council
Planning Authority Reg. Ref.	D16A/0896
Applicant(s)	Robert & Amy Battigaqn
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael & Annette Reddan Bernard Campbell & Others
Date of Site Inspection	26 th July, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development comprises a side garden of an existing two-storey, semi-detached house at the end of a cul-de-sac in Glenageary Park, an established residential estate in Glenageary. The houses on the opposite side of the street are two-storey, detached units. The western boundary of the site comprises a block wall approximately 2.0 metres. Side gardens and rear gardens of two-storey, semi-detached houses onto Glenageary Avenue bound the appeal site to the west.

2.0 Proposed Development

- 2.1. The proposed development at No. 67 Glenageary Park, comprises:
- The demolition of an existing single-storey extension to an established house, a side garden wall and boiler house;
 - The construction of a new part two-storey / part single-storey house in the existing side garden; and
 - The opening up of new vehicular and pedestrian entrances and the provision of off-street car parking.

The proposed house would comprise a detached, flat-roofed, two-bedroomed dwelling of contemporary design, with a stated floor area of 96.2 square metres. The development would provide for a rear garden space of approximately 60 square metres.

Details submitted with the application include the landowners' consent to the application and a shadow analysis. A covering letter with the application explains that No. 67 Glenageary Park was Amy Battigan's family home and she is seeking to construct a house to live near her parents.

3.0 Planning Authority Decision

3.1. Decision

On 20th April, 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the zoning provisions for the site, third party submissions made, and internal reports received. The breaking of the established building by the proposal was regarded as being acceptable due to its end of cul-de-sac location. The proposed house was considered to be well designed for its location. The seeking of further information was recommended in relation to surface water drainage, potential overshadowing of adjoining property arising from the 6m long utility and storage area at ground floor area, external finishes, and rectified annotations on drawings.

3.2.2. Other Technical Reports

The Drainage Engineer requested further information on the disposal of surface water arrangements.

The Transportation Planning Engineer had no objection to the proposal subject to conditions.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

Objections to the proposal were received from Michael and Annette Reddan, H. Fitzpatrick and E. McGuinness, Bernard Campbell, Dymphna Sheridan, and Sheila Greene. The grounds of appeal reflect the concerns raised.

3.5 A further information request was issued in accordance with the Planner's recommendation on 6th February, 2017 and a response was received on 24th March, 2017. This included details that reduced the proposed element along the boundary with the Glenageary Avenue properties from 6m to 3m.

Further third party submissions were received by the planning authority from Michael and Annette Reddan, Bernard Campbell, and Sheila Greene.

The reports to the planning authority following the submission of further information were as follows:

The Drainage Engineer had no objection.

The Planner considered the responses to the further information were acceptable and recommended that permission be granted subject to 12 no. conditions.

4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown Development Plan 2016-2022

Zoning

The site is zoned 'A' with the objective "To protect and/or improve residential amenity."

Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.

- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

6.0 The Appeals

6.1. Grounds of Appeal by Michael and Annette Reddan

The appellants reside at No. 90 Glenageary Avenue to the west of the proposed site. The grounds of the appeal may be synopsised as follows:

- Concerns are raised about the building element abutting the appellants' property, the protection of their wall, the ongoing maintenance of the proposed dwelling against the boundary wall, and the overlooking and overbearing impact concerns.
- It is considered that the proposal does not comply with development plan provisions relating to corner / side garden sites, with emphasis on the relationship with adjacent properties, the building line, maintenance, inadequacy of open space, and inappropriate design.

6.2. Grounds of Appeal by Bernard Campbell and Others

The appellants reside at Nos. 87, 88, 89 and 91 Glenageary Avenue to the west of the proposed site. The grounds of the appeal may be synopsised as follows:

- The proposal is out of character with neighbouring properties.

- It breaks the historic line of development in the cul-de-sac.
- It would have a negative impact by way of overbearing impact and overshadowing.
- Destabilising effects on the boundary wall have not been addressed.
- All first floor windows should be non-opening, opaque windows at high level.

6.3. Applicant Response

The applicant's response to Bernard Campbell and Others may be summarised as follows:

- The proposal is a modern contemporary design with a very modest first floor element.
- Development Plan policy supports modern design and the proposal is designed to ensure there is no detriment caused to the amenity of neighbours or the character of the area.
- Shadow analysis diagrams were submitted with the application, with no increase in overshadowing resulting. The reduction in the length of wall adjoining Glenageary Avenue properties will have an inevitable decrease in potential overshadowing also.
- First floor windows to the side and rear will be obscure and the applicants are happy for them to be conditioned to be obscure and non-opening.

The applicant's response to Michael and Annette Reddan may be summarised as follows:

- The proposal has been informed by various policy guidance documents to ensure it is not injurious to residential amenity.
- The wall flanking the neighbouring property will be finished in a self-coloured render so access would not be required to paint it.

- The proposal complies with development plan provisions relating to corner / garden sites in terms of design, impact on amenities, building lines, parking, access, open space, and visual amenity.

6.4. **Planning Authority Response**

The planning authority considers that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposal.

7.0 **Assessment**

7.1 I first note the zoning provisions relating to the site. The site is zoned 'A' with the objective "To protect and/or improve residential amenity." In principle, the proposed development is wholly compatible with these zoning provisions. Further to this, I note that the grounds of appeal primarily relate to issues for consideration by the planning authority for house development on corner/side garden sites as set out in the current Dún Laoghaire-Rathdown County Development Plan. It is against these parameters set out in the Plan which the proposed development needs to be assessed. These are considered as follows:

7.2 The proposed development is bounded by semi-detached, two-storey houses to the south-east and to the west. Detached two-storey houses are located on the opposite side of the street. The proposed development, while contemporary in design and being part two-storey / part single-storey, could not be construed as being demonstrably out of character with the variety and pattern of residential development in the immediate vicinity. Furthermore, the siting of the proposed development at a cul-de-sac end ensures that this small-scale development, to some degree distinctive as an individually designed dwelling, would not be overly visually intrusive. I am, therefore, satisfied that the relationship with the existing dwelling on the overall property and with properties in the immediate vicinity would be one that would not undermine the character of residential development in the area in a significant adverse manner. With regard to the site size, I first note the triangular shape of the site, leading to the necessity for a design responsive to a site configuration that is non-compatible with the standard rectangular shaped plots prevalent in this location.

The design response has been to provide a dwelling that provides for a habitable two-bedroom dwelling that meets development standards for occupiers, while ensuring open space standards and parking provisions required under the Development Plan are met. Once again, I note the context in which the proposed development is set at the cul-de-sac end and I do not consider that the proposed development would set any undesirable precedent for the wider area as a result. I am, thus, satisfied that the size, design and layout of the proposed development would be appropriate in its context and would meet occupiers' requirements as a two-bedroom dwelling.

7.3 It is apparent that the greatest concern of third parties is the impact of the proposed development on the amenities of neighbouring residents. This unquestionably is the primary planning issue relating to this proposed development. I again note the design response to the configuration of the site. This necessitates a layout which results in components of the development being in close proximity to or immediately abutting site boundaries. My considerations on impacts are as follows:

- The proposed development, with the exception of one window and a rooflight serving the stairwell, has no first floor windows overlooking adjoining properties. Thus, the issue of overlooking will not result from the proposed development. If there is any concern relating to the window to the stairway this could be conditioned to be finished in obscure glazing. I conclude that overlooking would not arise in this instance. With regard to any potential impact from the proposed development's ground floor, I note that there is an existing boundary wall along the western periphery of the site which is approximately 2.0 metres high.
- I note the orientation of the proposed development and its relationship with adjoining properties. I further note the shadow analyses undertaken for the proposed development. In addition to this, I acknowledge the design change made with the response to the planning authority's request for further information resulting in a reduction in the length of wall adjoining Glenageary Avenue properties that would enclose the utility/store at ground floor level. Having regard to these observations, it is apparent that the proposed development would not result in any significant adverse impact on adjoining properties by way of increased overshadowing. It is feasible to conclude that significantly increased overshadowing would not arise.

- I note the increased scale of development that would accrue in the side garden of No. 67 Glenageary Park and that, inevitably, this impacts on the perception of encroachment by new development on established adjoining properties. I must, however, acknowledge once again the scale, height and layout of the proposed development in the vicinity of the established properties to the west on Glenageary Avenue. With the proposed development not impacting by way of overlooking or overshadowing and with its single-storey height abutting neighbouring property for a short section of some 3 metres, I do not consider that any serious issue of overbearing impact would arise in this built-up suburban location which would result in the new development being out of character with the pattern of development in the area. Indeed, the layout of the established property on the site and the proximity of the established house to properties to the rear is noteworthy, where at its closest point this two-storey structure is just over 3 metres from its boundary with No. 88 Glenageary Avenue. I do not accept there would be a substantial overbearing impact arising from the proposed development. The applicant has submitted that that component of the development abutting the boundary with No. 90 Glenageary Avenue would be finished in a self-coloured render and I am, therefore, further satisfied with regard to ongoing maintenance of this part of the proposed development. In relation to the effects of the development on the boundary wall, the applicant has submitted that it is intended to appoint a structural engineer for the works and I do not consider that, with the employment of best practice engineering methodologies, the structural integrity of the established wall should be undermined. Overall, I consider that the proposed development would not adversely impact on the amenities of residents in the area.
- I have alluded to the accommodation standards for the occupiers of the proposed house earlier. I am satisfied that the internal room dimensions and amenities being provided will meet the needs of the occupiers of this two-bedroom house.
- The applicant has demonstrated in the plans and details provided that the development of the house at the location proposed and the layout of this development will allow for acceptable amenity standards remaining for the occupants of No. 67 Glenageary Park in accordance with development plan requirements.

- I note, and accept, that the established building line is not adhered to in the layout of the proposed development. The site configuration ensures this cannot be adhered to. However, the proposed development's location at the cul-de-sac end ensures that the development will not be a conspicuous and intrusive development when viewed from the wider public realm. The visibility of the incompatibility with the established building line will be very much localised and this layout arrangement will be understood in its cul-de-sac end context.
- The proposed development makes adequate parking provisions for the existing and proposed houses in accordance with development plan requirements.
- With the exception of the short section abutting the boundary with No. 90 Glenageary Avenue, the proposed development makes adequate provision for side/gable and rear access.
- I again note that private open space for the existing and proposed dwellings will be met in accordance with development plan requirements.
- The proposed development will introduce a varying palette of finishes and colours. However, its location will ensure the development will not present itself to the wider public realm as a development of distinct visual disharmony.
- The proposed development comprises a compact detached proposal on a site that does not allow for a development that would closely relate in form and character with established properties in the immediate vicinity. I acknowledge that the current Dún Laoghaire-Rathdown County Development Plan allows for a modern design response in such circumstances and it is accepted that this design response is more appropriate than seeking, and failing, to imitate established development in the immediate vicinity.
- The proposed development will not incorporate side gable walls as side boundaries facing the estate road and appropriate boundary treatment is proposed to enclose the site.
- Having regard to the design of the proposed development and its context, there is no requirement to consider the use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces.

7.4 In conclusion, I am satisfied to determine that the proposed development, being of contemporary design, adequately addresses the requirements for corner/side garden sites as set out in the current Dún Laoghaire-Rathdown County Development Plan and is compatible with the zoning provisions for this site. Due to the configuration of the site and the layout of the development, I consider that no further extensions should be permissible or structures ancillary to the use of the dwelling be permitted that would otherwise constitute exempted development under the Planning and Development Regulations without the prior grant of planning permission. Such a requirement can reasonably be met by way of condition attached with a grant of planning permission.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons and considerations and subject to the conditions set out.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Dún Laoghaire-Rathdown County Development Plan and to the design, character and layout of the development proposed, it is considered that the proposed dwelling would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, and would otherwise be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan. 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 drawings and details submitted to the planning authority on the 24th March, 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

4. The proposed west and south facing first floor windows serving the stairway shall be glazed in obscure glazing.

Reason: In the interest of residential amenity

5. 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.

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, 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.

Kevin Moore
Senior Planning Inspector

26th July 2017