



An
Bord
Pleanála

Inspector's Report PL06D.248495

Development	House and associated site works.
Location	No. 16 Mount Anville Road, Mount Merrion, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D17A/0164
Applicant(s)	Donal & Anne Loughrey
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	(1) Geraldine Walsh. (2) Mark Matthews. (3) Aine & Eamonn Doyle
Date of Site Inspection	20 th July 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.092 hectares, is located at the junction of Mount Anville Road and Deepark Road. The appeal site is occupied by a detached dormer dwelling. The site is accessed off a cul-de-sac that runs parallel to Mount Anville Road and provides access to two dwellings including the one on the appeal site. The site is an L-shaped plot with road frontage off the cul-de-sac and on Deepark Road to the north of the site. Immediately to the south is no. 17, which is a detached dormer style dwelling and is also accessed from the same cul-de-sac. To the north and west of the site is no. 1 Deepark Road ('Assisi'), which is a detached single-storey dwelling (protected structure) and to the east is no. 3 Deepark Road, a detached dormer dwelling.

2.0 Proposed Development

2.1. Permission is sought for a detached dormer dwelling to the rear of no. 16 Mount Anville Road. The proposed dwelling has a floor area of 204.7sqm and a ridge height of 6.24m. The proposed dwelling is to be accessed through an existing vehicular access off Deepark Road, which is to be widened.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 10 conditions. Conditions of note include...

Condition no. 4: Vehicular access to be recessed and splayed and front boundary to be no higher than 1.1m.

3.2. Local Authority and External reports

3.2.1. Transportation Planning (06/04/17): No objection subject to conditions.

- 3.2.2. Drainage Planning (18/04/17): No objection subject to conditions.
- 3.2.3. Planning report (19/04/17): The proposal was considered acceptable in the context of the visual amenities of the area including the setting of the adjoining protected structure, the amenities of adjoining properties and in regards to traffic safety. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 D14A/0385: Permission granted for a single-storey extension to the existing dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is zoned Objective 'A' with stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1 Grounds of appeal

- 6.1.1 A third party appeal has been lodged by Brock McClure Planning & Development Consultants on behalf of Geraldine Walsh, The Haven, Deerpark Road, Co. Dublin. The grounds of appeal are as follows...

- The proposal is contrary the Development Plan zoning objective and does not comply with policy in regards to corner sites/side gardens. Such is in regard its relationship with adjoining properties, inadequate level and depth of the

rear amenity space, failure to comply with the building line, the level of space for off-street car parking.

- The proposal is overdevelopment of the site.
- The appellant raises concern about traffic and the dimensions of the off-street parking. The appellant notes that the lack of parking may lead to parking on the street exacerbating a pre-existing car parking situation.
- The proposal would devalue the adjoining property.
- There are existing drainage issues with excess runoff and flooding in the area and during wet weather. It is noted the proposal would exacerbate this situation.

6.1.2 A third party appeal has been lodged by Brock McClure Planning & Development Consultants on behalf of Dr. Mark Matthews, 'Assisi', 1 Deerpark Road, Mount Merrion, Co. Dublin. The grounds of appeal are as follows...

- The appellant's property is 'Assisi', no. 1 Deerpark Road, the existing dwelling is a protected structure and is of historical and architectural significance. It is considered that the assessment of the proposal failed to acknowledge the significance of the existing dwelling with the proposal having an overbearing impact on the character and setting of a protected structure.
- The appellant notes the proposal would be contrary the zoning objective of the site and would have a significant negative impact on the appellant's property due to an inappropriate design and scale relative to the appellant's property and other adjoining properties. The proposal would be detrimental to the residential amenities of adjoining properties.
- The appellant is critical of the Planning Authority's assessment of the proposal particularly the assessment of the significance of the appellant's property.
- The design and scale of the proposal is excessive relative to the appellant property and would impact adversely on the character and setting of such.

- The proposal would have a negative impact on the appellant's amenity due to the overbearing nature of the proposal and result in overshadowing with no shadow analysis submitted.
- The proposal would devalue the appellant property and other adjoining properties.
- The proposal represents overdevelopment of the site and has an excessive plot ratio compared to other properties as well as being contrary the recommendations of the publication, 'Sustainable Residential Development in Urban Areas'.
- The appellant raises concern about traffic and the dimensions of the off-street parking. The appellant notes that the lack of parking may lead to parking on the street exacerbating a pre-existing car parking situation.
- The proposal would set an undesirable precedent for similar development.

6.1.3 A third party appeal has been lodged by Brazil Associates on behalf of Aine & Eamonn Doyle, 17 Mount Annville Road, Mount Merrion, Co. Dublin. The grounds of appeal are as follows...

- The appellant's note concerns that the proposed dormer window on the rear elevation would overlook the rear garden of no. 17.
- The design and scale of the proposed dwelling is out of character with existing dwellings with particular reference made to the roof profile and the large dormer window on the rear elevation.
- There is insufficient separation between the rear dormer window on the proposed dwelling and the rear dormer window on the roof profile of no. 17.
- The appellants note the existing drainage issues concerning the area with excess runoff and flooding experienced during wet weather. The assessment of the proposal makes no reference to such and this issue need to be sorted before permission is granted.

- The proposal dwelling is excessive in size and in close proximity to existing houses. It is considered that alterations are required including omission of dormer windows in favour of roof lights and a reduced first floor level area that would deal concerns regarding overlooking of no. 17.

6.2 Responses

6.2.1 Response from Dun Laoghaire Rathdown County Council.

- It is noted that verbal report was received from the Conservation Officer stating that a report was not needed and it was considered there would be no impact on a protected structure.
- The Planning Authority note the surface water drainage report from the Drainage section as well as noting that the site is not located with a flood zone.

6.3 Submissions

6.3.1 Submissions were received from

Dr. Mark Matthews, 'Assisi', No.1 Deerpark Road, Dublin 14.

Aine & Eamonn Doyle, 17 Mount Anville Road, Dublin 14.

Sean & Maria Kelly, No.2 Deerpark Road, Dublin 14.

Brian McCaul, No. 5 Deerpark Road, Dublin 14.

Geraldine Walsh, 'The Haven', No. 3 Deerpark Road, Dublin 14.

Desmond & Eileen Solan, 'St. Bernards', No. 6 Deerpark Road.

- The submissions raise concerns including the visual impact/streetscape character, impact on the amenities of adjoining properties, traffic issues, impact on the character and setting of a protected structure and existing issues concerning excessive runoff/flooding in the area.

7.0 **Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design, visual/adjoining amenity

Development control standards

Traffic

Appropriate Assessment

Other Issues

7.2 **Principle of the proposed development:**

7.2.1 Permission is sought to construct a new dwelling within the curtilage of an existing dwelling by subdividing the site. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity' and is located in an established residential area. The nature of the proposed use is consistent with existing development in the area and the zoning objective of the site. The acceptability of the proposal is contingent on the design and scale of the proposal being appropriate in the context of the visual amenities of the area, the amenities of adjoining properties and traffic safety.

7.3 **Design, visual/adjoining amenity:**

7.3.1 The proposal entails subdivision of the existing curtilage of no. 16 and the construction of a new dwelling on the part of the rear garden with road frontage along Deerpark Road. The proposed dwelling is a dormer style dwelling and is to front onto Deerpark Road. The proposed dwelling is to have a similar building line as the existing dwellings to the east along Deerpark Road as well as a similar ridge height to the existing dwellings to the east. No. 1 Deerpark Road is located to the west and has a different building line than the dwellings to the east, and has a much lower ridge height and is at a lower finished floor level than that of the proposed dwelling and the existing dwellings to the east. No.1 is a protected structure and is located on the corner site at the junction of Mount Anville Road and Deerpark Road. In terms of overall visual impact, I would consider that the design and scale of the proposed dwelling when viewed from the public road is acceptable. It is located on a similar building line to the existing dwellings to the east and has a ridge height similar to such.

7.3.2 One of the appeal submissions highlights concerns regarding the impact of the proposed dwelling on the character and setting of the existing protected structure to the west. Although the proposed dwelling is much higher in ridge height the dwelling proposed is well spaced in terms of its degree of separation from the existing dwelling and would have no significant or adverse impact on the character and setting of such. I would refer to the drawings showing the proposed development relative to adjoining dwellings and would note that the visual impact of the proposed dwelling from the public area in the vicinity would be acceptable, would not be detrimental to the character of the streetscape and the visual amenities of the area.

7.3.3 The appeal submission raises concerns regarding the relationship of the proposed dwelling with adjoining properties highlighting concerns such as an overbearing impact, overshadowing and overlooking. In regards to the dwellings located along Deerpark Road, I would note that the proposal conforms to the established pattern of development in terms of building line and orientation. I would be satisfied that the design and scale of the dwelling would be acceptable in the context of the residential amenities of the adjoining properties to the east (no. 3 Deerpark Road) and west (no.

1 Deerpark Road and would cause no undue overshadowing or overlooking of the adjoining properties. I would also consider that the design, scale and orientation of the proposed dwelling is satisfactory relative to the existing dwelling on site.

7.3.4 One of the appeal submission is from the residents of not 17 Mount Anville Road, which is located to the north with the new dwelling backing onto the side boundary of the appellants' rear garden. The appellants' raise concerns regarding the proximity and orientation of first floor windows in terms of residential amenity. The proposal provides for a dormer dwelling with the ground floor level located 9.602m from the boundary with the appellant's property. At first floor level there are two dormer windows facing north towards the rear garden associated with no. 17. One of the windows is a high level window to have opaque glazing serving a bathroom that is 13.2m from the boundary and the other is a dormer window serving the master bedroom that is set back 11m from the boundary. The dormer window serving the bathroom would have no significant or adverse impact in regards to overlooking. In the case the larger window serving the master bedroom, I would consider that the degree of separation from the boundary with the appellant's property is sufficient and that the proposal would not result undue overlooking of the neighbouring property and the design and layout of the dwelling is consistent with a suburban pattern of development that is not unacceptable in an area such as this. I am satisfied that the overall design and scale of the proposed development has adequate regard to the amenities of adjoining residential properties.

7.4 Development control standards:

7.4.1 In terms of development control standards the proposal is a subdivision of the curtilage of an existing dwelling to provide a new dwelling. In regards to the provision of private open space, the existing dwelling is left with a garden area of 100sqm, while the new dwelling is provided with 90sqm. The requirement under the County Development Plan is for 75sqm of private open space for a dwelling with four bedrooms or more (Section 8.2.8.4). In this regard the proposal is compliant with development plan standards.

7.4.2 The proposal entails the provision of off-street car parking with sufficient space indicated for three vehicles. This standard is in compliance with the minimum Development Plan standards, which require two off-street car parking spaces per dwelling. I am satisfied that the proposal is compliant with the minimum development control standards set down under the 2016-2022 Dun Laoghaire Rathdown Development plan and that the proposal is of sufficient quality in terms of residential amenity. In addition, the existing vehicular access/off-street parking associated with the existing dwelling remains intact with access to the new dwelling from Deerpark Road.

7.4.3 The appellants raise concerns regard overdevelopment of the site and note that the dimensions of the off-street parking and the depth of garden areas are insufficient. I am satisfied that the proposed dwelling provides for sufficient private open space and the off-street car parking and is fully compliant with Development Plan requirements in this regard. I am also satisfied that the existing dwelling is retained with sufficient private amenity space and off-street car parking in compliance with Development Plan standards. I would also consider that the proposal would not be at odds with policy in regards to corner/side gardens and infill sites as set down under Section 8.2.3.4 of the County Development Plan. In this regard I do not consider the proposal would be overdevelopment of the site and provides for development of a reasonable standard in terms of amenities of the future residents.

7.5 Traffic:

7.5.1 The proposal entails widening of the existing access off Deeprark Road and indicates there is space for off-street car parking for three vehicles. Condition no. 4 attached to the grant of permission required that the vehicular access to be recessed and splayed and front boundary to be no higher than 1.1m. Visibility at the proposed vehicular access is of a good standard and I would consider it appropriate to apply a similar condition in the event of a grant of permission. Subject to such, I am satisfied the proposal would be acceptable in the context of traffic safety.

7.5.2 As noted earlier the requirement under Development Plan policy for off-street car parking is two car spaces. I am satisfied that this requirement is met including space on site to turn vehicles.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

7.7 Other Issues:

7.7.1 The appeal submission notes that there are existing issues concerning excess runoff and flooding at this location. The appeal site and adjoining dwellings are located at a lower level than lands to the north and there is some issue of excessive runoff onto these properties. Notwithstanding such, the site is not located in a flood zone and such would appear to be a localised drainage issue. It is also apparent from the information submitted that the issue does not originate on the appeal site or is as a result of the drainage characteristics of the site itself. In this regard I do not see this as a reason for precluding the development and is a matter outside of the site that requires action. I would recommend that the usual standard conditions be applied in event of a grant of permission concerning drainage including that no runoff from the site shall discharge to the public road or adjoining properties.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

9.1 Having regard to the residential zoning objective for the area, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area, would not contravene the policies or provisions of the current development plan for the area and would be acceptable in terms of traffic safety and convenience. 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, 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 proposed development shall be amended as follows:

a) The existing vehicular entrance to the new dwelling to be recessed by a minimum of 1.0m with concave (bell mouth shaped) or 45 degree splayed side walls, to ensure adequate visibility for pedestrians or other vehicles for exiting vehicles from the said vehicular entrance. The vehicular entrance shall not exceed 3.5m inside the splayed entrance; OR; b) The existing roadside boundary wall for a minimum distance of 1.0m either side of the existing vehicular entrance to the new dwelling to be no more than 1.1m so as to provide good visibility for pedestrians or other vehicles for exiting

vehicles and vice versa from the said vehicular entrance. The height of the piers and gates shall also be shown to be a maximum of 1.1m.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public safety.

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. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. 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.

6. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential 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 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 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.

Colin McBride
Planning Inspector

24th July 2017