



An
Bord
Pleanála

Inspector's Report PL06D.248624

Development

Permission for demolition of house extension and construction of new house with revised boundary treatment, construction of dormer extension to existing house with vehicular access and associated site works.

Location

21 Lakelands Crescent, Stillorgan, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17A/0237

Applicant(s)

Kevin Houlihan & Jerome Hurely-Cunnane

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third-v-Grant

Appellant(s).

(1) Marjorie Griffin
(2) Martin Shelly

Date of Site Inspection

25th August 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.047 hectares, is located to the south west of Stillorgan. The site is located on Lakelands Crescent, which is categorised by two-storey semi-detached dwellings. The site occupied by no. 21, which is a two-storey semi-detached dwelling. To the south of the site is the other dwelling that makes up the pair of semi-detached dwellings. To the north no.s 2 and 4 Lakelands Avenue back onto the northern boundary of the site. No. 21 backs onto the side boundary of no. 51 Lakelands Close, which is located to the west of the site.

2.0 Proposed Development

2.1. Permission is sought for the demolition of a single-storey extension to the side of the existing dwelling and construction of a new two-storey detached dwelling to the side of the existing house. Permission is also sought for a dormer window at the attic level of the existing dwelling with provision of an additional bedroom. Revised boundary treatment is proposed to subdivide the site with access to the new dwelling via the existing entrance, which is to be widened to facilitate access to both dwellings. The new dwelling has a floor area of 157.5sqm and a ridge height of 8.79m. The new dwelling is to feature a pitched roof and external finishes similar to the adjoining dwellings.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions. Of note are the following conditions...

Condition no. 3: The windows serving the ground floor wc, first floor bathroom, en-suite and stairs., and the second floor en-suite and stairs are to be fitted with obscure glazing.

3.2. Local Authority reports

3.2.1. Drainage Planning (24/04/17): No objection subject to conditions.

3.2.2. Transportation Planning (05/05/17): No objection subject to conditions.

3.2.3. Planning Report (09/05/17): The proposal was considered acceptable in context of development plan policy, the visual amenities of the area, adjoining amenities and traffic safety. A grant of permission was recommend based on the conditions outlined above.

4.0 Planning History

4.1 No planning history on the site.

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 a 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 Marjorie Griffin, 2 Lakelands Avenue, Upper Kilmacud Road, Stillorgan, Co. Dublin. The grounds of appeal are as follows...

- The appellant's dwelling backs onto the side boundary of the site (north eastern). The appellant expresses concerns regarding the impact of the proposal due to the scale and proximity of the development to the rear of her property.

- It is considered that the proposed dwelling by virtue of scale and proximity would have a physically overbearing impact relative to the rear amenity space serving the appellant dwelling and result in an unacceptable level of overshadowing.
- The proximity of the development and orientation of windows on the north eastern gable would give rise to overlooking and the perception of overlooking to the rear of the appellant's property.
- The proposal is contrary to Development Plan policy set down under Section 8.2.3.4(v) of the County Development Plan due to its design scale and impact on the adjoining property.

6.1.2 A third party appeal has been lodged by Martin Shelly, 4 Lakelands Avenue, Upper Kilmacud Road, Stillorgan, Co. Dublin. The grounds of appeal are as follows...

- The appellant's dwelling backs to north eastern boundary of the appeal site with the appellant raising concerns regard the impact of the dormer window proposed on the rear elevation of the new dwelling.
- It is considered that the dormer window would result in overlooking of the appellant's property and it is noted there is no precedent for such development at this location.
- The appellant notes that the scale and proximity of the proposal to the boundaries of the site would result in an adverse impact on adjoining residential amenities through overshadowing, overlooking and loss of outlook as well as constituting overdevelopment of the site.
- The appellant notes that the side windows on the new dwelling would also overlook his property.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- The response notes that the design and scale of the proposed development is satisfactory and would have no significant or adverse impact on adjoining amenities.

6.2.2 Response by A1Architects on behalf of the applicants, Kevin Houlihan & Jerome Hurley-Cunnane.

- It is noted that the proposal would have no overbearing impact and the design and scale is in keeping with existing dwellings in the vicinity. It is noted that there is precedent for similar development in the area with a number of examples cited.
- It is noted that the dormer window is sufficient distance from the rear boundary of the site and the rear of the dwelling that backs onto the site and that all windows on the north eastern gable are to be fitted with obscure glazing with no overlooking caused by the proposal.

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/scale, visual/residential amenity

Traffic impact

Other Issues

7.2 Principle of the proposed development:

7.2.1 The proposal is for subdivision of the site associated with no. 21 Lakelands Crescent and the construction of a detached dwelling and associated site works. The site is

located in an established residential area and is zoned Objective A, 'to protect and/or improve residential amenity'. The proposal development is consistent with the zoning objective. The principle of the proposed development is acceptable with the main considerations the impact of the proposal on the visual amenities of the area, the amenities of adjoining properties and traffic safety with the proposal also contingent on the provision of an independent residential unit of a satisfactory standard. Such aspects are to be examined in the following sections of this report.

7.3 Design/scale and visual/residential amenity:

7.3.1 The proposal is for a two-storey detached dwelling with three bedrooms and habitable space at second floor level within the roof space. In terms of the relevant development control standards, there is a requirement of 60sqm of private open space for 3 bed or more dwellings (Section 8.2.8.4(i)). The proposed development entails the provision of 60sqm of private open space and allows for 99sqm of private open space to be retained with the existing dwelling within whose curtilage the site is located. This is compliant with the requirements under Development Plan policy. In regards to car parking the requirement for a three-bedroom dwelling is 2 spaces (Table 8.13). The proposal provides for two off-street car parking spaces and is in compliance with the development control standards.

7.3.2 In regards to overall visual impact, the height of the proposed development does not exceed the ridge height of the existing and adjoining dwellings and is keeping with the design and architectural character of the existing dwelling on adjoining sites. I would be satisfied that the overall visual impact of the dwelling would not be significant or have an adverse impact on the visual amenities of the area. The proposal entails the provision of a new dormer window in the rear elevation of the existing dwelling and includes a dormer window of similar scale on the rear elevation of the new dwelling. The visual impact of these dormer windows would be acceptable as they are relatively subordinate to the scale of the roof plane.

7.3.3 The main issues that arise in the appeal submission relation to impact on adjoining properties. The two appellants reside in no. 2 and 4, which back onto the north eastern boundary of the site. The north eastern gable is located 1m from the rear

boundary of no. 2 and no. 4, with the proposed dwelling located directly to the rear of no. 2. Although the proposal entails the provision of a new dwelling in closer proximity to the rear boundary with the appellant's dwelling at no. 2 than is the case at present, the pattern of development proposed would not be out of keeping with the established pattern of development at this location and a suburban pattern of development well established in residential areas such as this. There are number of examples of dwellings located with their gable adjoining the rear boundary of existing dwellings at this location including a newly constructed dwelling at 1A (Lakelands Avenue) a short distance to the north of the site. I am satisfied that the scale and design of the proposed dwelling is similar to existing dwellings at this location and the degree of separation between the north eastern gable and the rear of the appellant's dwelling at no. 2 is sufficient. I am satisfied that the scale of the dwelling relative to the adjoining property is acceptable and would not result in an overbearing impact or cause a significant degree of overshadowing. In regards to the windows on the north eastern elevation, the one at ground floor level would not overlook, whereas the ones at first and second floor level serve the stairs. A condition was attached to the grant requiring such windows to be fitted with obscure glazing, which would prevent overlooking. I would recommend that the windows on the gable at first and second floor level be omitted altogether. Having regard to such provision, I am satisfied that the proposal would cause no undue overlooking of no. 2 Lakelands Avenue.

7.3.4 In the case of no. 4, the location of the proposed dwelling has a lesser impact as it is not located immediately to the rear of existing dwelling. I would reiterate my assessment of the proposal in regards to no. 2 with scale of the proposal in keeping with existing dwellings and the pattern of development proposed being an acceptable and common pattern of development in such residential areas. I would consider that the dormer window on the rear elevation of the new dwelling at second floor level would be acceptable in regards to adjoining amenities, and is orientated in keeping with the established pattern of development. As noted above the windows at first and second floor level on the north eastern elevation should be omitted as outlined above. I am satisfied that the design, scale and orientation of the proposed dwelling, subject to condition, would be acceptable in the context of the visual amenities of the area and the residential amenities of adjoining properties.

7.4 Traffic Impact:

7.4.1 The proposal is for a new dwelling with vehicular access onto Lakelands Crescent. It is proposed to widen the existing access point to facilitate access to both the existing and proposed dwelling. It appears that the entrance is not subdivided into two and is one large entrance. The access is onto a residential street with a carriageway width of 4m wide with footpaths along each side. Having regard to the nature and scale of development, the type and level of traffic generated would not entail a significant intensification at this location. The location and layout of the entrance would also be satisfactory in the context of sightlines/visibility. I would however recommend that boundary treatment is provided between the front parking areas for each dwelling with two separate entrances provided. I would recommend a condition in this regard requiring submission of revised drawings illustrating such. As noted earlier the proposal is compliant in regards to Development Plan standards for off-street car parking with two space provided. The proposed development would therefore be satisfactory in the context of traffic safety.

7.5 Appropriate Assessment:

7.5.1 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.

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 proposed vehicular access shall be divided into two separate vehicular access point with bound treatment between the parking areas to the front of each dwelling.
- (b) the windows at first floor and second floor level on the north eastern gable of the proposed dwelling shall be omitted.

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

Reason: In the interests of traffic safety.

3. All windows on the gables of the proposed dwelling above ground floor level shall be fitted with obscure glazing.

Reason: In the interests of residential amenities.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste and a construction stage traffic management plan.

Reason: In the interest 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. 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 the Board to determine the proper application of the terms of the Scheme.

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

28th August 2017