



An  
Bord  
Pleanála

## Inspector's Report PL06S.248660

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<b>Development</b>	House, vehicular entrance and parking in side garden of existing house.
<b>Location</b>	No.2 Dunmore Lawn, Kingswood, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD17A/0098.
<b>Applicant(s)</b>	Francis Edmonds.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First party vs. refusal.
<b>Appellant(s)</b>	Francis Edmonds.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	19 <sup>th</sup> January 2018.
<b>Inspector</b>	Ciara Kellett.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Dunmore Lawn, Kingswood, Dublin 24. Dunmore Lawn is a well-established residential area c. 700m to the east of the Belgard Road and c. 700m west of the M50. The site is in the side garden of No.2 Dunmore Lawn. The site bounds the road to the south-west and south-east.
- 1.2. Dunmore Lawn is a housing estate comprising a number of short cul-de-sacs off a main spine road. Ballymount Park which is a large open space, lies to the north of the housing estate. No.2 Dunmore Lawn is a detached dwelling with a gable roof to the front of the dwelling, which contrasts with the rest of the cul-de-sac which mainly comprises of semi-detached hipped roof dwellings. Similar detached dwellings mark the start of each of the cul-de-sacs in the estate. The existing house has a larger than average side garden which provides room for another dwelling. Low red brick boundary walls prevail throughout the estate, and there are numerous mature trees set in grass margins along the roadside. The building line is uniform throughout.
- 1.3. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. The proposal is for the development of a three storey dwelling described as comprising 3 bedrooms. The overall area of the dwelling is stated as being 169sq.m. On the ground floor there are living areas and on the second floor there are two bedrooms. The top storey is expressed as a faux mansard roof with full height and comprising a third bedroom and a storage area.
- 2.2. The overall height is 8.552m. Materials proposed include self-coloured render with a selected metal clad finish on the third floor. Triple glazing is proposed throughout.
- 2.3. A Planning Report accompanied the proposal.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for three reasons summarised as follows:

1. The design and scale does not reflect the development in the vicinity. Having regard to the 'RES' zoning, and the prominent location at the road junction, the dwelling would be at variance with the character. While a contemporary design is not unwelcome, the scale, height and bulk are not appropriate and would result in an overbearing impact and would contravene the zoning objective.
2. Although dwelling is described as a 3 bedroomed dwelling, it is in essence a 4 bedroomed dwelling. Insufficient storage space has been provided and there is insufficient rear amenity space for a 4 bedroomed dwelling.
3. The proposal would set an undesirable precedent for other similar developments which would in themselves and cumulatively, be harmful to the residential amenities of the area.

### 3.2. Planning Authority Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Site is zoned 'RES – To protect and/or improve residential amenity'. States main issues for consideration are zoning, visual impact, residential amenity, access and parking, services, tree protection and addressing reasons for previous refusal.
- Visual Impact: Notes dwelling is 500mm higher than its neighbour to the west which has a slightly higher ridge level than the semi-detached houses on the street. In addition, the three storey design with the top floor accommodated in a faux mansard roof gives it a more massive appearance.
- Considers that contemporary design is not in itself inappropriate, however the scale, form and size of the dwelling is not in keeping with the neighbouring buildings, and would have a significant impact on the visual amenity of the area.
- The room on the top floor labelled 'store' is 13.1sq.m with two dormer windows and full headroom for the most part. It is more akin to a fourth bedroom and the house will be assessed as a 4 bedroomed dwelling.

- The minimum private open space for a 4 bedrooed dwelling is 70sq.m. The garden is labelled 80sq.m on the site plan, but the accompanying written report indicates that there is over 60sq.m to the rear (excluding the narrow side passage). There appears to be 65sq.m of useable open space to the rear excluding the side passage. This would be acceptable for a 3 bedrooed dwelling, but not for a 4 bedrooed dwelling.
- The construction of a 3 storey house in this position, relative to No.2 Dunmore Lawn, would have a negative impact on the daylight of that house.
- The quantum of parking is acceptable.
- Water Services Department seeks additional information regarding the fact that the proposal is 2.5m from the surface water sewer rather than 3m. Irish Water also sought additional information.
- Parks Department indicated that a newly planted tree, in the margin to the front of the site, will have to be removed to make way for the driveway.
- Considers that the previous reasons for refusal with respect to the design and height have not been overcome.
- Recommends permission is refused.

The decision was in accordance with the Planner's recommendation.

### 3.2.1. Other Technical Reports

- **Environmental Services Section:** Further Information requested.
- **Roads Section:** No objection subject to conditions.
- **Public Realm Department:** Verbally express recommendation to refuse driveway element of the proposal as young tree to the front would not survive.

### 3.3. Prescribed Bodies

- **Irish Water:** Further Information required due to insufficient information provided.

### 3.4. Third Party Observations

There were no third party observations.

## 4.0 Planning History

Planning Application associated with the site (summary):

- **SDCC Reg. Ref. SD16A/0283:** Permission refused by the Council in September 2016 for two reasons very similar to the reasons for refusal of the current proposal, i.e. proposal would be at variance with the established character, visually obtrusive and insufficient private amenity space, as well as setting an undesirable precedent.

In the vicinity:

- **SDCC Reg. Ref. SD09B/0147:** Permission granted in June 2009 for development in No.25 Dunmore Lawns, which is immediately to the rear of No.2, for a two storey extension to the side, new porch and new rear extension.
- **SDCC Reg. Ref. SD15B/0253:** Permission granted in January 2016 for attic conversion of No.29 Dunmore Lawns (along cul-de-sac to the rear).

Walnut Close (referred to in applicant's appeal):

- **SDCC Reg. Ref. SD14A/0139:** Permission granted in July 2015 for a 2 storey 3 bedroomed dwelling in the side garden of No.79 Walnut Close.
- **ABP Ref. 243984; SDCC Reg. Ref. SD15A/0097:** The Board decided to grant permission in February 2015 following the Planning Authority's decision to refuse permission in No.1 Walnut Close, for a 2 storey, 3 bedroomed detached house in a side garden. The Planning Authority had refused permission for services reasons.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2016 - 2022

- 5.1.1. Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.
- 5.1.2. Section 2.4.0 of the Development Plan considers Residential Consolidation – Infill, Backland, Subdivision and Corner Sites. Housing **Policy 17** states that "*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County*".
- H17 Objective 3** states "*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*".
- 5.1.3. Table 11.20 of Chapter 11 states with respect to Dwelling Standards that the minimum space for 4 bedroom houses is 110sq.m. The required private open space for 3 and 4 bedroomed dwelling is 60sq.m and 70sq.m respectively. Section 11.3.1 notes with respect to dwelling standards that "*All houses must be required to accord with or exceed the minimum floor area standards set out in Table 11.20. Dwellings should also be designed to provide adequate room sizes that create good quality and adaptable living spaces*". Section 11.3.1(iv) states that "*the design and layout of individual dwellings should provide a high quality living environment for residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation*".
- 5.1.4. Section 11.3.2 considers Residential Consolidation and notes "Infill residential development can take many forms, including development on infill sites, corner or side garden sites, backland sites and institutional lands". It is noted that development on infill sites should meet certain criteria but provides that subject to

*“appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development”.*

- 5.1.5. With respect to development on corner and/or side garden sites, it states that proposals should meet the criteria for infill development in addition to the following criteria: Corner/Side Garden sites should be of a sufficient size and an appropriate set back should be maintained from adjacent dwellings; be designed and sited to match the building line and respond to the roof profile of adjoining dwellings; architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony; contemporary and innovative proposals are encouraged and corner sites should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

## **5.2. Natural Heritage Designations**

- 5.2.1. The Glenasmole Valley SAC (Site Code 001209) is located c. 6km to the south of the site. South Dublin Bay SAC (Site Code 000210) is located c. 14km to the north-east. Wicklow Mountain SAC (Site Code 002122) is located c. 7km south. Wicklow Mountains SPA (Site code 004040) is located c.8km south.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal has been submitted by a Consultant on behalf of the applicant. In summary it states:

- The area has a wide variety of house types and styles and a lot of infill has been developed in the last decade. Contemporary dwelling design is promoted by the Plan.
- Planning history of the wider area is included which references a number of granted permissions in the wider area for a number of 2 storey, 2 and 3 bedroomed dwellings. In particular, reference is made to Reg. Ref. SD14A/0139 for development at No.79 Walnut Close, which is considered the

closest precedent in the vicinity of the site (c.300m to the south). A photo of No.79 Walnut Close is included.

- Considers development complies with planning policy.
- Do not concur with Planning Authority's opinion that the dwelling is a 4 bedroomed dwelling. Request the Board to agree that the dwelling is a 3 bedroomed dwelling, and states that the applicant is happy to make internal changes to the layout should the Board consider it appropriate. Considers that the proposal has no adverse impact on the amenities and the design is in keeping with the character of the area.
- Consider the site has the capacity to visually absorb the dwelling, and it is very similar to the existing and proposed dwellings in the area.
- Considers the materials proposed are similar to existing.
- There will be no overlooking or overshadowing of the adjacent dwelling.
- Considers dwelling provides for a sufficient low density in keeping with its surrounds.
- Considers open space is in compliance with the Plan standards for a 3 bedroomed dwelling. The space is well in excess of 60sq.m.
- Considers the rear open space is closer to 80sq.m including the side passage. There is still over 70sq.m when the side passage is excluded. There is a private front garden and car parking space of 40sq.m. Applicant willing to accept a condition that no other development can take place to the rear without planning permission.
- There is sufficient parking and the dwelling is sufficiently separated from the public sewer. The foundations can be positioned to ensure the angle of repose is away from the sewer pipe. The proposed rear garden is large enough to allow for attenuation.
- There were no third party observations.
- With respect to newly planted tree, applicant is happy to accept a condition to replace any tree that needs to be replaced.



## 6.2. **Planning Authority Response**

The Planning Authority responded but it was outside the time period and cannot be considered further.

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design of proposal
- Size of development and compliance with Development Plan Standards
- Precedent
- Appropriate Assessment

### 7.1. **Design of proposal**

- 7.1.1. The first reason for refusal referred to the design and scale of the proposal. The site is located on a prominent junction of two roads. The dwellings in the area are, for the most part, very traditional semi-detached dwellings with detached dwellings at each corner. The detached corner dwellings have gable roofs adjacent to semi-detached dwellings with hipped roofs. There is uniformity of design throughout the estate.
- 7.1.2. The Development Plan encourages contemporary and innovative design. The subject proposal introduces a very modern and different design into the area.
- 7.1.3. The proposal is three storey – all other dwellings are very traditional two storey dwellings. The proposal reads as a very tall narrow dwelling when compared to the adjacent dwellings. On the front elevation there are Georgian style windows on each floor (I note there is a discrepancy in the drawings, with one drawing showing three windows at first floor and the contiguous elevation showing only two). The use of this style of window further elongates the building. The roof reads as a flat roof which further intensifies the scale of the building.

- 7.1.4. The applicant refers to No.79 Walnut Close as being 3 storey and for precedent purposes. During my site visit I visited this dwelling. I do not agree with the applicant that it has a similar appearance to the subject proposal. The dwelling reads as a two storey dwelling with two flush rooflights to the front of a hipped roof at attic level. The window design is also more in keeping with the adjoining dwelling, and I would consider that while the dwelling introduces some contemporary elements, the design is very much in keeping with its surroundings.
- 7.1.5. I note the materials proposed are also very different to the surrounding dwellings. A 'self-coloured' render is proposed for the first two floors while a standing seam zinc is proposed at the second floor. This differs greatly from the common place red brick and render design throughout the rest of the estate.
- 7.1.6. As noted above, the Development Plan does encourage contemporary designs, however it also states that dwellings on corner sites should '*be designed and sited to match the building line and respond to the roof profile of adjoining dwellings*'. The subject proposal steps forward of the building line and does not respond to either the predominant hipped or gable roofs in the adjacent dwellings.
- 7.1.7. The Plan also states with respect to development on corner sites, that its architectural language '*should respond to the character of adjacent dwellings and create a sense of harmony*'. I consider that the proposed design introduces a discordant element into the streetscape at a very prominent junction within the housing estate. I consider that a similar design of two storeys could be better visually absorbed at this location, but not the proposed three storeys. Moreover, I consider the dwelling at No.79A Walnut Close to be very much in keeping while introducing some contemporary elements.
- 7.1.8. In conclusion, I am of the opinion that the design and scale of the development is not acceptable, having regard to the surrounding pattern of development and the prominent location of the site.

## 7.2. **Size of development and compliance with Development Plan Standards**

- 7.2.1. There is disagreement between the applicant and the Planning Authority with respect to the number of bedrooms proposed. This has implications for compliance with Development Plan standards, in terms of minimum size of development and in this

particular case, the overall size of private amenity space. The Planning Authority's reason for refusal no.2 refers to insufficient storage space and insufficient useable rear amenity space for a 4 bedroomed dwelling.

- 7.2.2. Table 11.20 of the Development Plan requires that 4 bedroomed houses provide a minimum of 110sq.m. The proposal is for 169sq.m, so regardless of the number of bedrooms, the proposal complies with respect to minimum area. Table 11.20 states that a private amenity space of 60sq.m for a 3 bedroomed dwelling and 70sq.m for a 4 bedroomed dwelling is required. The documentation submitted with the application and the appeal refers to different sizes and there is also references to with, and without, the side passage.
- 7.2.3. In the first instance, whether the dwelling is a three or four bedroomed dwelling has to be considered. There are two bedrooms at first floor and a third bedroom and storage area on the second floor.
- 7.2.4. The storage area has two windows in the vertical façade to the rear of the dwelling. It is also the exact same height as the third bedroom to the front of the dwelling. Dimensions marked on the drawing indicate that without the annex, which is not dimensioned, the area is 11sq.m. This is in excess of the requirements for a bedroom and with the full height available, I consider that this should be regarded as a fourth bedroom. I am satisfied that the dwelling should be assessed as a 4 bedroomed dwelling.
- 7.2.5. Having regard to my opinion that it is a 4 bedroomed dwelling, I now consider if this has a material effect on the private amenity space provided. As noted above, there are different references to amenity space throughout the documentation. The Site Plan indicates that rear amenity space is 80sq.m. Dimensions on that same drawing indicate a rear amenity space excluding the side passage of 65sq.m. There are no dimensions of the side passage but using a scale ruler, the area is in excess of 5sq.m bringing the rear space to in excess of 70sq.m. While I accept that the side passage is not 'useable' space, I do not consider the shortfall in amenity space to be a reason for refusal in this particular case. I note that the Development Plan states that reduced open space standards may be considered for infill development in certain circumstances.

7.2.6. In conclusion, I am satisfied that the shortfall in useable private space is not material as to warrant a reason for refusal.

### 7.3. **Precedent**

7.3.1. The third reason for refusal referred to precedent for other development which would in themselves and cumulatively be harmful to the residential amenities.

7.3.2. The applicant refers to a number of planning applications for development in side gardens in the vicinity (listed in the Appeal) and considers that the development at no.79 Walnut Close sets a precedent. I have visited this dwelling and as noted above, I consider that development to read as two storey and therefore, I do not agree with this viewpoint. I also note that most of the applications referred to by the applicant are for 1 or 2 storey dwellings with 2 bedrooms.

7.3.3. In conclusion, I consider that the development of a 3 storey dwelling in this prominent junction would set an undesirable precedent which would have a negative impact on the residential and visual amenities of the area and would set an undesirable precedent.

### 7.4. **Appropriate Assessment**

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**

I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 9.0 **Reasons and Considerations**

1. Having regard to the prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered

that the proposed development by reason of its scale, form, fenestration, materials and design, including the use of a mansard roof, would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development of three storeys would set an undesirable precedent for other similar development, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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Ciara Kellett  
Inspectorate

22<sup>th</sup> January 2018