



An  
Bord  
Pleanála

## Inspector's Report PL 06D.248685

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<b>Development</b>	Demolition of garage and boiler house and construction of house
<b>Location</b>	10 Clonkeen Crescent, Pottery Road, Dún Laoghaire, County Dublin.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0023
<b>Applicant(s)</b>	Warren Collins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Cornel & Lucia Mihutiu & John & Deborah Colgan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> September, 2017
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The site of the proposed development is located on the south-west side of the junction of Clonkeen Crescent and Clonkeen Grove off Pottery Road in Dún Laoghaire, County Dublin. There is a semi-detached, two-storey house with a detached single-storey garage to the side of the house and a small boiler house to the rear. The site's front and side roadside boundaries comprise block walls backplanted with hedgerow. The site is bounded to the south-west by No. 11 Clonkeen Crescent and to the rear by No. 1 Clonkeen Grove, a semi-detached, two-storey house. The houses in the immediate vicinity generally comprise semi-detached and terraced two-storey houses.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the demolition of a single-storey garage and boiler house and the construction of a detached two-storey house to the side of No. 10 Clonkeen Crescent, Pottery Road, Dún Laoghaire.
- 2.2. The structures to be demolished have a stated floor area of 24 square metres. The proposed house would have a stated floor area of 114.7 square metres and would comprise a three-bedroom dwelling. A separate vehicular access to that of the existing house would be provided and the curtilage would accommodate parking to the front of the house. A second car parking space would be provided in the garden area to the rear. The external finishes of the house would comprise a mix of render and brick and the roof would be finished in a zinc-coated aluminium. The ridge height of the proposed house would match that of the adjoining No. 10 and the front ground floor building line would project one metre forward of that established by this existing dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 18<sup>th</sup> May, 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 13 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted the observations made, the site's planning history, planning history in the vicinity, departmental reports received, and development plan provisions. Differences between the proposal and a previously refused proposal are noted. The principle of the development was considered acceptable, as was private open space provision and the design and finishes. A request for further information on traffic-related issues and consequent layout impacts was recommended.

#### **3.2.2. Other Technical Reports**

The Drainage Engineer had no objection to the proposal subject to conditions.

The Transportation Planning Engineer requested further information relating to individual vehicular movement into and out of the site to the front, adequate site area to accommodate parking, and provisions to ensure safe access to the proposed parking space to the rear.

### **3.3. Prescribed Bodies**

Irish Water had no objection to the proposal.

### **3.4. Third Party Observations**

Objections to the proposal were received from John and Deborah Colgan and from Cornel and Lucia Mihutiu. The grounds of the appeal reflect the principal concerns raised.

A further information request was issued by the planning authority on 8<sup>th</sup> March, 2017 and a response to this request was received by the planning authority on 24<sup>th</sup> April, 2017.

Following this submission, the reports to the planning authority were as follows:

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

The Drainage Engineer had no objection subject to conditions.

The Planner considered the response to the further information request to be acceptable and recommended that permission be granted subject to conditions.

## 4.0 Planning History

### P.A. Ref. D16A/0118

Permission was refused by the planning authority for a detached, two-storey house for two reasons for reasons relating to overdevelopment of the site and inadequate provision of private open space.

## 5.0 Policy Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan

#### Zoning

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

#### Residential Development on Corner/Side Garden Sites

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.

At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The third party appeal by Cornel and Lucia Mihutiu of No. 1 Clonkeen Grove and John and Deborah Colgan of No. 147 Clonkeen Crescent may be synthesised as follows:

- The proposal constitutes overdevelopment of a restricted site, would be incongruous, visually obtrusive and overbearing, would detract from the visual amenity of the area, and would set a poor precedent for similar type development in the area.
- The vehicular entrance on the southern elevation will constitute a hazard to traffic and pedestrians due to its location on a corner.
- The planning authority failed to take account of the driveway constituting a danger, the existence of a rock garden close to the proposed entrance, the proximity to an existing crèche, the detrimental impact of revisions on residential amenity, and the significant differences between the proposal and

the infill dwelling on the other end of the row to the west of the site referred to by the Planner.

## 6.2. Applicant Response

The applicant's response may be summarised as follows:

- All necessary criteria under the current development plan were met.
- Development plan standards for vehicular entrances and parking have been applied, adequate sightlines are provided, and the entrances are well separated from the existing rock garden, which is not a communal space. A swept path analysis showing a reverse parking for a vehicle is included with the submission.
- The proposal and existing dwelling exceed minimum private open space requirements.
- The only relevance of the existing development on the opposite corner is the precedent it has set within the estate.

## 6.3. Planning Authority Response

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

## 7.0 Assessment

### 7.1. Introduction

It is considered that the principal planning issues relating to the proposed development are the development in the context of Development Plan provisions and traffic impact. Assessment of the former issue will address the main visual impact and residential amenity concerns raised by the third party.

## 7.2 The Development in the Context of the Dún Laoghaire-Rathdown County Development Plan

7.2.1 The proposed development is on lands zoned 'A' in the Development Plan with the objective "To protect and/or improve residential amenity". The nature of the proposed development is compatible with the zoning provision and, thus, it may reasonably be determined that the proposed development is acceptable in principle.

7.2.2 The Development Plan has specific provisions applicable to new residential development on corner and side garden sites. Consideration of how the proposed development complies with these provisions are as follows:

- \* The proposed development is generally in keeping with the form, height, footprint and scale of adjoining development. While finishes contrast somewhat with established properties in the immediate vicinity, variation in design is encouraged in the Plan and it is considered that the mix of finishes would not result in the proposed development being overly conspicuous, overbearing or visually intrusive at this junction location. It is, therefore, accepted that the size, design, layout and relationship of the proposed dwelling with existing residential properties in the vicinity is in keeping and would not undermine the visual amenities of the area.
- \* Acknowledging the compatibility of the scale of the development, its footprint, and the relationship with adjoining properties, it is further noted that the proposed development would not result in any notable overlooking, overshadowing or overbearing impact on adjoining residential properties. Thus, it is considered that the proposed development would not result in any significant adverse impact on established residential amenities.
- \* The proposed development meets plan standards in terms of accommodation provision for occupiers of the new house with regard to room sizes, private open space provision, and car parking provisions.
- \* The existing house will remain adequately accommodated in terms of access provision, parking and open space provision to meet the needs of the occupiers of the existing house.
- \* While noting the ground floor building line variation that steps out from the established building line, it is considered that this constitutes a minor

alteration to the established building line which can be readily accommodated on this corner site without causing any significant visual or adverse residential amenity impact.

- \* Two on-site parking spaces are providing in accordance with Plan requirements and on-site parking provision remains for the established house.
- \* As a detached dwelling, side/gable and rear access/maintenance space has been provided to meet access needs of the occupiers of the existing and proposed houses.
- \* It is again noted that the proposed private open space and the remaining private open space serves the needs of the occupiers of both dwellings and meet with the Development Plan requirements for such spaces for the established four bedroom house and proposed three bedroom house.
- \* The proposed boundary wall treatment is compatible with established boundary treatment at this location.

7.2.3 Overall, it may reasonably be considered that the proposed development meets with the Development Plan requirements for residential development on corner/side garden sites. Thus, it is not reasonable to determine the proposal would be incongruous, visually obtrusive and overbearing. Finally, and having regard to the proposed parking provision to the rear, I consider that restriction should be placed on further development on the site such that any such additional development should be subject to further planning permissions in order to protect amenity and to manage any further future development in a sustainable manner.

### 7.3 Traffic Impact

7.3.1 The applicant has demonstrated that the proposed development can accommodate two separate parking spaces on the plot and that vehicular movement into and out of these spaces can be adequately achieved, as demonstrated by the swept path analyses undertaken. I further note that the Transportation Planning Engineer in the planning authority accepts that standards are being met and does not raise any particular safety concerns relating to the siting of the proposed accesses relative to the junction of Clonkeen Crescent and Clonkeen Grove. While I acknowledge there



is a small 'rock garden' on the footpath adjoining the site, it is acknowledged that this is not a public open space and that the proposed development would not intrude on this area.

7.3.2 Overall, it is considered that there are no traffic safety grounds that would merit the refusal of permission in this instance. The proposed development could not be seen to pose any significantly greater traffic hazard to pedestrians or to users of the nearby crèche as is posed by established residential properties.

## **8.0 Recommendation**

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

## **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, would not endanger public safety by reason of traffic hazard, 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 24<sup>th</sup> April, 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.

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.

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Kevin Moore  
Senior Planning Inspector

4<sup>th</sup> September 2017