



An
Bord
Pleanála

Inspector's Report PL06D.248688.

Development	Demolition of a house and the construction of 2 houses with all associated site works.
Location	1 Ballinteer Gardens, Ballinteer, Dublin 16.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0270
Applicant(s)	Nicola Branigan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Nicola Branigan
Observer(s)	No observers
Date of Site Inspection	18 th September 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site currently accommodates a single storey detached bungalow constructed in the 1930's. The dwelling is located to the south west of the site and is surrounded by mature lawns which are currently overgrown. It is a large site, with an area of 0.1525 ha with mature vegetation located around the perimeter and in particular along the northern boundary. The site has dual frontage to Ballinteer Gardens and the Ballinteer Road. There is a pedestrian access to the site from Ballinteer Gardens. There is no vehicular access to the site.
- 1.2. The site forms part of a larger estate (including the adjacent Mayfield Terrace) which was built for veterans of the Great War under the Irish Land (Provision for Sailors and Soldiers) Act of 1919. The bungalow is one of a trio located along Ballinteer Road, two of which are located on either side of the entrance to Ballinteer Gardens. To the north of the site, is an area of public open space fronting Ludford Road. To the east, is a cul de sac serving a number of two storey dwellings. The site is bound by a low cut stone wall. The boundary of the site forms part of a bell mouth entrance to the cul de sac.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing bungalow on the site and the construction of 2 no. dwellings. House 1A is the smaller of the two houses. It is a 4 no. bedroom house with an area of 145.7 sq. metres and a maximum height of c. 7.63 metres. It is located to the west of the site, with a front building line consistent with the residential dwellings located within the existing cul de sac. The dwelling is served by a rear north facing garden area with an area of 143.8 sq. metres and two car parking spaces to the front.
- 2.2. Dwelling 1, is a much larger 5 no. bedroom house with an area of 344 sq. metres. It is a part 2 storey, part single storey dwelling. The house has a maximum height of 6.88 metres reducing to 4.4 metres for the single storey element. It has an L shaped configuration with a garden area of 512 sq. metres located to the south and east. A large detached garage (83 sq. metres) is proposed to the west of the dwelling which extends to a height of 5.96 metres. Two car parking spaces are also proposed to the west of the dwelling.

- 2.3. A new double vehicular access to the site is proposed from Ballinteer Gardens, located to the west of the existing pedestrian entrance. 12 metres of the existing boundary treatment is to be removed to facilitate this. A gated entrance with new piers to match existing is proposed for house 1 and an open entrance, with new piers to match existing is proposed for house 1A. The remainder of the existing wall to the south and east of the site is to be retained. A further pedestrian entrance to the site is proposed to the north of the site from Ballinteer Road. A new boundary rendered blockwork wall c. 2.1 metres high is proposed between the 2 new dwellings.
- 2.4. Both dwellings have a contemporary design, with dwelling 1 in particular having a large extent of glazing extending from ground to roof level on the eastern elevation. Materials proposed are predominantly render with roof finishes in blue/black slate.

3.0 Planning Authority Decision

3.1. Decision

Refuse Permission for the following reasons:

1. *Both the existing house that it is proposed to demolish and the subject site form part of an older housing development area of historical note which contributes significantly to the character of the area. It is considered that the proposed development is completely out of character with the existing built environment, would result in visually incongruous and obtrusive features along the streetscapes of Ballinteer Gardens and Ballinteer Road, would contravene the provisions of Policy AR5 of the County Development Plan, 2016-2022, would seriously injure the amenities, or depreciate the value, of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*
2. *There is a mature tree line along the northern boundary of the site that comprises a significant attractive feature of the local area. The Planning Authority is not satisfied that this tree line can or will be retained as a result of the proposed development. Therefore, to grant planning permission would be contrary to the visual amenity of the area, seriously injure the amenities, or*

depreciate the value, of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (19/05/2017)

The planner's report makes the following key points

- Existing dwelling contributes to the character of the area in terms of its original construction and symmetry on the site. Whilst the demolition of the dwelling may be permissible, no detailed consideration given to its retention and extension.
- Extent and location of private open space is considered acceptable.
- No detail provided regarding impact of the construction of the development on existing mature trees.
- Some concerns raised regarding potential overlooking from the western elevation of dwelling 1 and the eastern elevation of dwelling 1A. No concerns raised regarding overshadowing.
- Considers that the proposed garage would have an adverse impact on the rear garden of dwelling 1A and that first floor of the garage should be omitted.
- With the exception of maintaining the existing building line along Ballinteer Gardens, the proposed development bears no resemblance the house on the site or those in the vicinity. The dwellings are considered are out of character at this location.

3.2.2. Other Technical Reports

Transportation Planning (08/05/2017): Further information recommended:

- Revised drawing indicating how proposed vehicular entrances for both dwellings can have a maximum width of 3.5m respectively, within the shared vehicular entrance area.
- Autoturn details required for proposed parking areas indicating how cars can be manoeuvred when 1 space occupied.

- Revised drawing indicating car parking spaces complying with minimum sizes.

Drainage Planning (15/05/2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (17/05/2017): No objection.

3.4. Third Party Observations

3.4.1 Third party observations made by Brian and Elizabeth Gavin, Alfred Trebble, The Residents of Ballinteer Gardens, Valerie Owens and Tony Byrne. Key issues made in the observations can be summarised as follows:

- Location of proposed vehicular entrance will cause traffic congestion.
- The two storey design and architectural approach of the dwellings is inappropriate having regard to the character of the existing site. Scale and massing of dwellings is out of context. External design and proposed materials not in keeping with the existing environment.
- Concern regarding loss of existing boundary trees and boundary wall and object to proposed entrance from Ballinteer Road. Object that no landscape plan submitted with the application.
- Site is of historic significance as it forms part of the estate built under the Irish Land (Provision for Sailors and Soldiers) Act of 1919 which allowed the provision of housing in Ireland by British authorities for Irish ex servicemen.
- The demolition of the existing dwelling will destroy the architectural integrity of the street and irrevocably erase and important facet of Irish military history and local architectural and historical heritage.
- The corner bungalows (no. 1 and no. 42) are an integral part of the original and intended design of the estate, creating a symmetrical entrance.
- No justification provided to support the demolition of the existing bungalow.
- Concerns regarding overlooking and impacts on sunlight and daylight to adjacent properties.

- Inaccuracies in the architectural drawings.
- Potential impacts on bats.
- Construction impacts.

4.0 Planning History

4.1 No recent planning history on the subject site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: *‘To Protect and/or improve residential amenity’*.

Section 8.2.3.4 (vii) Infill: *“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”*

Section 2.1.3.4 Existing Housing Stock Densification: *“Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Section 8.2.3.4 (v) Corner/Side Garden Sites: This section of the plan sets out a number of criteria to consider including:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Development Plan standards for existing and proposed dwellings including car parking and private open space.

- Building lines followed where appropriate.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.
- Appropriate boundary treatments should be provided.

Section 8.2.3.4 (Xiv) Demolition and Replacement Dwellings

It is stated that:

“The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the grounds of replacement numbers only, but will be weighed against other factors. Better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements.

The Planning Authority will assess single replacement dwellings within an urban area on a case by case basis and may only permit such developments where the existing dwelling is beyond repair due to structural defects. For all applications relating to replacement dwellings, a strong justification / rationale shall be provided by the applicant. Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.”

Policy AR5: Buildings of Heritage Interest: It is Council policy to:

“Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.”

The plan goes on to state:

“Many of the older buildings and structures in the County, whilst not strictly meeting the criteria for inclusion in the Record of Protected Structures, are often modest buildings which make a positive contribution to the historic built environment of Dun

Laoghaire-Rathdown. The retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County.”

Policy AR8 Nineteenth and Twentieth Century Buildings, Estates and Features:

“It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.”*

5.2. Natural Heritage Designations

5.2.1 Non applicable.

6.0 The Appeal

6.1. Grounds of Appeal

David Mulcahy Planning Consultants Ltd. on behalf of Nicola Branigan.

- Development will make optimum use of an underutilised, brownfield site in a suburban area close to public transport. It is in accordance with national policy regarding infill development and Council policy (RES4) to promote infill accommodation at appropriate locations.
- The dwelling, whilst of some charm is in a poor state or repair. The bungalow is small and has a poor energy rating. It will require significant work and modernisation. There is limited room to extend it. Rationale for demolition is provided and it is submitted that the existing dwelling does not facilitate modern living standards and thus its demolition is justifiable.
- Stated that it is a subjective opinion as to what dwellings apply for consideration under Policy AR5. A balance needs to be struck in terms of the need to

optimise the development of a large site close to public transport and the need to preserve a dated dwelling.

- With regard the angled siting of the bungalow along with the other bungalow on the opposite side of the cul de sac, this is not considered to be a significant feature of the estate. The relationship between the bungalows is only perceptible from an aerial view. The demolition of the bungalow will thus not result in an overt change to the established character of the area.
- The dwelling is not a protected structure nor is it located within an Architectural Conservation Area. There are no tree preservation orders pertaining to the site.
- Contemporary design is appropriate and avoids pastiche. The design approach ensures a clear separation between the old and new.
- The loss of 12 metres of the boundary wall is not significant and is necessary to facilitate access. An entrance has been permitted on the opposite side of the cul de sac serving the other bungalow.
- Have no objection to conditions to reduce the height of the garage or to omit the stairs/landing window in House 1.
- Tree survey submitted with appeal documentation which clarifies trees to be retained and removed. Mature trees along the northern boundary will be retained which will provide significant screening of the site and mitigate potential visual impacts. Landscape plan indicates how root protection zones can be provided. It is noted that to achieve this, house no. 1 should be moved 2 metres away from the boundary. Request that this additional set back be addressed by way of condition.

6.2. Planning Authority Response

- Fundamental objection to the proposed development and in this context further information was not sought. The design of the houses remains a significant concern.
- Pedestrian gate to the north east is considered works that should have been referenced in the application.
- Removal of 12m of the existing boundary is excessive and would adversely affect the streetscape.
- The density of the site is increased by only 1 unit. Whilst it is Council policy to support densification, this does not mean that any proposal to increase density is justified.
- Tree survey submitted is not of a standard required by the Planning Authority.

6.3. Observations

- No observations.

7.0 Assessment

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

- Principle of Development.
- Design and Visual Impact.
- Impact on Residential Amenity.
- Boundary Treatment.
- Access.
- Appropriate Assessment.

7.2 Principle of Development

- 7.2.1 The proposed development provides for the demolition of the existing bungalow on the site and its replacement with 2 no. dwellings. The bungalow was constructed in the 1930's and forms part of an estate that was developed as part of an initiative by the British Government for national reform and reconstruction after the First World War. The Irish Sailors' and Soldiers' Land Trust Act 1922 resulted in the construction of a number of estates for ex servicemen, including that at Ballinteer Gardens and Mayfield Terrace. It is understood that the terraces of two storey dwellings accommodated servicemen, whereas the bungalows were occupied by officers.
- 7.2.2 The general character of these "Homes for Heroes" estates were carefully planned compact estates and garden suburbs. Houses were typically larger than those constructed at the time and gardens were always provided. The standard of craftsmanship and quality was generally high.
- 7.2.3 It is considered therefore that the subject bungalow forms part of a planned and coherent estate with an important historical association. Whilst the dwellings in themselves are not protected structures nor located within a conservation area, they are considered to be an important example of this type of planned estate. It is noted that other similar estates in the city such as that in Killester, have indeed been designated residential conservation areas under the Dublin City Development Plan 2016-2022.
- 7.2.4 It is acknowledged that a number of the dwellings within Ballinteer Gardens and the adjacent Mayfield Terrace have undergone renovation and modernisation over the years. The development as a whole however, largely retains its architectural character and integrity. The subject bungalow, whilst of modest scale, also retains a number of its original features including fenestration, shutters and roof tiles. It is considered that it contributes significantly to the overall character, setting and layout of this planned estate. The bungalow forms part of a trio of such houses which front Ballinteer Gardens and the adjacent Mayfield Terrace development and in this context, contributes significantly to the streetscape.

- 7.2.5 The appellants set out a justification for the demolition of the dwelling on the basis that the development will result in the appropriate densification of this well located site which is in the interest of sustainability and the proper planning of the area. Arguments are also presented for its demolition based on the size and age of the dwelling and that it would not lend itself to modernisation or be capable of being adapted to a modern family home. It is stated that its redevelopment would require extensive and expensive structural work.
- 7.2.6 It is not considered that in this instance, the overall increase to two no. dwellings would justify the demolition of the dwelling on the grounds of intensification and sustainable development. Given the extent of the site, a further dwelling could be accommodated without the necessity to demolish the existing bungalow.
- 7.2.7 Furthermore, I do not concur with the arguments presented that the dwelling is not capable of being modernised or adapted. Whilst it is in poor condition, it is not beyond repair. The site is sufficiently large to accommodate well designed and appropriate extensions to the house, which would not compromise its original character and which would facilitate the development of a modern family home.
- 7.2.8 The policies of the Dun Laoghaire Rathdown County Plan with regard to the demolition of existing dwellings is also notable in this regard. There is a clear policy directive to retain dwellings that contribute to an area in terms of visual amenity and character. It is also detailed that replacement dwellings should only be permitted where the existing dwelling is beyond repair due to structural defects. No compelling evidence to this effect has been presented by the appellants. Furthermore, policies AR5 and AR8 clearly support the retention of the rehabilitation and reuse of existing older buildings which make a positive contribution to the streetscape in preference to their demolition and to protect the character of exemplar twentieth century estates.
- 7.2.9 It is considered that in this instance, the appellant has not provided a sufficient justification or rationale to support the demolition of the existing dwelling which I consider contributes significantly to the overall character and integrity of the area and that in this context, the development is contrary to section 8.2.3.4 (xiv) and Policies AR5 and AR8 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

7.3 Design and Visual Impact

7.3.1 The proposal is for the development of two large replacement dwellings on the site. The spatial arrangement and layout of the new units is somewhat poor with dwelling 1A shoe horned to the west of the site, and the remainder of the site dominated by a very large detached dwelling with a floor area of 344 sq. metres and a further large detached garage with a floor area of over 83 sq. metres.

7.3.2 The dwellings are of a contemporary design, and whilst this is generally welcomed, in this instance, it is considered that the development represents a poor design response to the subject site and its context. The overall scale, massing and bulk of the dwellings is considered incongruous with the existing setting. The roof profiles, materials, elevational design and layout, particularly of dwelling 1 does little to consider the existing setting and character of the area. The proposed detached garage is also considered to be of excessive scale. It is located along the eastern boundary of dwelling 1A and is likely have a significant and overbearing impact on the amenity of this proposed dwelling. Whilst, it is acknowledged, that the garage could be omitted by way of condition, it is further evidence of the overall poorly conceived design response to the site.

7.3.3 The development will also result in the removal of a substantial portion of the existing southern boundary (over 12 metres) in order to facilitate access to the site. Whilst the issue of access is addressed separately below, it is considered that the removal of this extent of the existing boundary treatment to create a double entrance is excessive and would have a detrimental visual impact on the streetscape.

7.3.4 Whilst, it is acknowledged that it may be possible to screen the development by the retention of some of the existing mature vegetation on the site, overall it is considered that due to the design, scale and massing of the development, it would have a negative and detrimental impact on the visual amenity of the area and character and integrity of this planned estate of historical importance.

7.4 Residential Amenity

7.4.1 To the north of the site, there is a large area of open space, and in this context no impacts will occur. Due to the set back of the dwellings from those to the south, it is not considered that any overlooking or overshadowing impacts will occur. The location of fenestration on the western elevation of Unit 1A is such that it is unlikely to have any significant overlooking to the adjacent property. Due to the separation distances proposed between existing dwellings and between the houses themselves, it is not considered that any significant adverse impacts occur. As noted above, there are concerns regarding the extent and height of the proposed garage and its impact on the residential amenity of the rear north facing garden of Dwelling 1A.

7.4.2 It is considered that the dwellings are unlikely to give rise to impacts on the residential amenities of the area in terms of overlooking and overshadowing. Nonetheless, fundamental concerns remain regarding the overall design approach and its impact on the overall residential character and amenity of the estate.

7.5 Boundary Treatment

7.5.1 Concerns were raised by the Planning Authority regarding the extent of trees that may be lost as a result of the proposed development. As part of the appeal documentation, further information and a tree survey have been submitted in this regard. This sets out that it is proposed to retain a number of mature trees along the northern boundary, many of which are located outside of the site boundary. Approximately 4 trees within the site will be removed as a result of the development. To facilitate the retention of the trees, it is recommended that dwelling 1 and its associated garage will have to be set back a further 2 metres from the northern boundary in order to protect the root zones of these trees. It is requested that this be addressed by way of condition.

7.5.2 Whilst it is noted that it may be possible to retain the subject trees as set out in the report, it is considered that having regard to the overall concerns regarding the nature and extent of development and the potential loss of the existing bungalow, that it is not appropriate to impose such a condition in this instance. It is also considered that there is a paucity of information presented with regard to a method

statement as to how existing trees and their associated root zones will be protected during the construction phase.

7.6 Access

7.6.1 It is proposed to access the subject site by way of a new double entrance along the southern boundary from Ballinteer Gardens. Concerns were raised at planning application stage by the Transportation Department regarding the ability of cars to manoeuvre within the site, particularly when one or more of the proposed spaces were occupied. It is noted that no further information in this regard has been submitted by the appellants to address or clarify this issue.

7.6.2 It is contended by the appellants that it is appropriate that vehicular access be provided to serve the dwellings. It is noted that an entrance to serve the bungalow on the opposite side of the cul de sac has been developed. It is considered reasonable that the site should be served by its own vehicular entrance. It is noted that the Transportation Department have no objection in principle to the creation of a new entrance at this location.

7.6.3 However, as noted above, there are concerns raised regarding the extent of existing boundary treatment that are to be removed to facilitate such an access.

7.7 Appropriate Assessment

7.7.1 Having regard to the nature and scale of the proposed development, the demolition of an existing dwelling and the construction of 2 no. replacement dwellings within an established urban area, and the distance 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. It is recommended that permission be refused permission for the reasons set out below.

9.0 Reasons

1. Having regard to the location of the site, to the established built form and character of the Ballinteer Gardens and Mayfield Terrace and to the existing dwelling on the site which is considered to be of importance to the streetscape, it is considered that the proposed development would be incongruous in terms of its layout and design, would be out of character with the streetscape, would set an undesirable precedent for future development in this area and be contrary to the proper planning and sustainable development of the area.
2. Having regard to Policy AR8 and AR5 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the demolition of the existing bungalow would significantly alter the character of the residential estate and would seriously injure the residential and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Erika Casey
Planning Inspector

19th September 2017