



An
Bord
Pleanála

Inspector's Report PL 06D.248690

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| Development | Sub-division of existing site for new dwelling, driveway alteration, access gates and amendments to existing driveway and access gates and associated site works to proposed and existing dwellings. |
| Location | 35 Louvain, Ardilea, Clonskeagh, Dublin 14, D14 AX73. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D17A/0103 |
| Applicant(s) | Giovanni and Maeve Cafolla |
| Type of Application | Permission |
| Planning Authority Decision | To Grant Permission subject to conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Lee and Mabel Kidney Ardilea Residents Association |
| Observer(s) | None |

Date of Site Inspection

6th September 2017

Inspector

Erika Casey

1.0 Site Location and Description

- 1.1. The subject site comprises the existing side garden of a large detached dwelling located within the Ardilea Estate in Clonskeagh. The site has an elongated shape and an area of 0.0426 hectares.
- 1.2. The site has mature vegetation along the front, rear and eastern boundaries. The existing dwelling (no. 35) to the west, comprises a gable fronted 1 ½ storey dwelling with a side elevation dormer. The general pattern of development in the vicinity comprises similar low density suburban housing.

2.0 Proposed Development

- 2.1. The proposed development comprises the subdivision of the site of no. 35 and the construction of a new dwelling within the existing side garden. Amendments are also proposed to the existing vehicular access with a new driveway and vehicular access to serve the proposed dwelling. The dwelling has an area of 382 sq. metres.
- 2.2. A further information request by the Planning Authority sought revised plans to clarify the access arrangements to the existing and proposed dwellings and to reduce the ridge height of the dwelling and offset it further from the boundary with no. 33 Louvain. It was also requested that a revised drawing be submitted indicating all of the stairs/landing windows on the south east elevation with opaque glazing.
- 2.3. The response submitted by the applicant included revised drawings which indicated full details of the revised entrance arrangements including 2 vehicular access points to serve each dwelling with widths of 3.5m respectively. Windows on the south east elevation are shown as opaque. The revisions also reduced the ridge height of the dwelling by 681mm to be consistent with the existing dwellings located to the east and west. It was clarified that the separation distance between the dwelling and no. 33 Louvain is 1.299m and that existing mature trees and hedgerows will be maintained.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to 11 no. conditions. Conditions of note include:

Condition 3: The glazing to the ground floor bathroom, first floor ensuite and all three levels of the stairs/landing windows on the south east elevation shall be manufactured opaque.

Condition 5: No outward opening gates shall be provided to the area.

Condition 7: footpath in front of new vehicular entrance shall be dished and strengthened at Applicant's own expense.

Condition 8: Proposed new driveway/parking area shall be constructed with sustainable drainage systems.

Condition 9: Surface water shall be infiltrated locally to a soakpit.

3.2. Planning Authority Reports

3.2.1. Planning Reports 29/03/2017 and 22/05/2017

The planner's reports noted the following key points:

- Whilst site is small, it is not considered that development constitutes over development of the site.
- It is not considered that the development will result in overlooking or overshadowing impacts to adjoining properties.
- Open space provision in proposed and existing dwelling deemed adequate.
- Design is considered acceptable and would not be incongruous or obtrusive in the streetscape.
- Given the constraints of the site, there is limited scope for the setting off of the dwelling from the boundary of no. 33.

3.2.2. Other Technical Reports

Drainage Planning (28/02/2017 and 17/05/2017): Proposals including further information were considered acceptable subject to condition.

Transportation Planning (22/03/2017): No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water (01/03/2017): No objection. The report states that a separate supply shall be taken from the public watermain to serve the proposed dwelling i.e. the applicant shall not be permitted to take a supply from the serviced pipe serving the adjoining property.

3.4. **Third Party Observations**

3.4.1 Keenan Lynch on behalf of the Ardilea Residents Association.

- Bulk and scale of development and potential impacts on the amenities of neighbouring residents.
- Height and design of dwelling inconsistent with pattern of development in the vicinity.

3.4.2 Kiaran O' Malley and Co. Ltd. on behalf of Lee and Mabel Kidney, 33, Louvain, Ardilea, Clonskeagh, Dublin 14.

- Scale, bulk and mass of dwelling and impact on residential amenities of no. 33.
- House type, design and height are out of character with adjacent properties.
- Contrary to policies of the County Development Plan regarding development in side gardens.
- Will result in loss of existing mature hedgerow.
- Excessive glazing and potential overlooking.

4.0 **Planning History**

No relevant 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.

5.1.2 The subject site is zoned A: *To protect and/or improve residential amenity*. The principle of residential development is acceptable under this zoning.

5.1.3 Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas (V) addresses corner site development and the subdivision of an existing house curtilage to provide an additional dwelling. It is stated that the Planning Authority will have regard to parameters 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.
- Boundary treatment.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

5.2. Natural Heritage Designations

5.2.1 None Applicable.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.2 Kieran O' Malley and Co. Ltd. on behalf of Lee and Mabel Kidney, 33 Louvain, Ardilea, Clonskeagh, Dublin 14.

- Negative impact on the residential amenities of no. 33 Louvain. Amendments made to the design of the dwelling at Further Information stage including reduction in ridge height are insufficient to address potential impacts. Set back of between 0.75m and 1.299m from the side boundary of no. 33 is inadequate.
- Size, height, scale and proximity of proposed dwelling would have an overbearing impact on no. 33.
- Proposed dwelling is too large for the restricted site and conflicts with the established pattern of residential development in the vicinity. The development would have an excessive plot ratio.
- Development would have a negative impact on no. 35 Louvain due to overlooking and overshadowing.
- Potential impacts on the boundary hedgerow and consequent loss of natural screening.
- Width of side passages are inadequate having regard to the guidance set out in the Development Plan.

6.1.3 Keenan Lynch Architects on behalf of the Ardilea Residents Association.

- Bulk and scale of proposal. It is considered that the proposed 2 storey dwelling is out of character with the pattern of development in the vicinity which is predominantly of dormer construction.
- It is suggested that development is modified by lowering the eaves to match adjoining houses and to restrict conversion of the attic.
- Impact on the residential amenities of the neighbouring residents.
- Impact on the existing boundary treatment due to scale of development.

6.2. **Applicant Response**

- The issue of proximity to the boundary was fully clarified at Further Information Stage. The boundary between the site and no. 33 is clearly delineated by existing concrete fence. The trimming of existing hedgerow will increase the

width of the site sufficiently. No. 33 is located c. 7 metres away from the proposed dwelling which is considered sufficient.

- Additional aerial imagery submitted to demonstrate adequacy of separation distance and other relevant precedents in the vicinity.
- There will be no overshadowing impacts as the proposed dwelling is located to the north west of no. 33. Due to the separation distance between the dwellings there will be no overlooking.
- Architectural approach is considered appropriate and consistent with the pattern of development in the area.
- Site coverage is 32% and the rear garden has an area of 136 sq. metres. In this context the development is not considered over development of the site.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

- No observations received.

6.5. Further Responses

Dun Laoghaire Rathdown County Council (18/08/2017)

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

Keenan Lynch Architects on behalf of Ardilea Residents Association

- Reiterate that reduction on height of the dwelling at Further Information stage is inadequate.
- Overwhelming majority of dwellings in the vicinity are bungalows or dormer bungalows. The examples of two storey dwellings in the vicinity submitted by the

applicant do not provide a precedent for allowing such a house type on the subject site.

Kiaran O' Malley and Co. Ltd. on behalf of Lee and Mabel Kidney

- The predominant house type is dormer style where the eaves come down to a height of 3 metres or so which provides privacy between dwellings and mitigates visual impact. The proposed development is inconsistent with this pattern of development.
- Side passageway inadequate and development will result in loss of boundary hedge.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal submitted. 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:

- Impact on Residential Amenity
- Design
- Boundary Treatment
- Appropriate Assessment.

7.2. Impact on Residential Amenity

7.2.1 The proposed development comprises a 5 no. bedroom dwelling with accommodation extending over 2 floors. There is a small home office and storage space provided within the attic. The height of the dwelling extends to 9.020 metres. As indicated on the contextual elevations submitted at further information stage (drawing ref. 16-026-P-04.3), the height is generally consistent with the existing dwellings located to the east and west. It is considered that the height and scale of the dwelling are generally appropriate and consistent with the existing pattern of development in the vicinity. Having regard to the character of the area, the design and height of the dwelling and separation distances from existing properties, it is not considered that it would have an overbearing impact.

- 7.2.2 Concerns are raised regarding the extent of the set back of the proposed dwelling from adjacent boundaries. To the west the proposed dwelling is set back from the boundary with no. 35 Louvain by approximately 0.950m and approximately 2 metres from the existing dwelling. It is noted that fenestration is limited on the north west elevation to minimise potential overlooking.
- 7.2.3 To the east the dwelling is set back from the boundary of no. 33 by a distance of between 0.75m and 1.299 metres. The set back from the dwelling is approximately 7 metres. The drawings submitted at further information stage indicate that all glazing on the south east elevation comprises opaque glazing. It is considered, having regard to the proposed separation distance of over 8 metres from no. 33 and the design of the south east elevation, that no significant overlooking would arise.
- 7.2.4 Furthermore, given the siting of the dwelling, separation distances proposed and extent of existing and proposed amenity space, there would be no material overshadowing impacts.
- 7.2.5 It is not considered that the proposed development constitutes over development of the site. Whilst it is acknowledged that the site has a narrow configuration, the dwelling has been designed appropriately for its context and has a footprint consistent with adjacent properties. A sufficient level of amenity space has been retained to serve the dwelling and the existing house (no. 35). As detailed by one of the appellants, the development has a higher plot ratio than adjacent sites. However, it is considered that plot ratio should not be a prescriptive tool in measuring density and consideration must also be had to the overall context and other criteria including site coverage and open space provision. It is also the policy of the Council to encourage greater densification in suburban areas. In this regard, the dwelling is considered acceptable and it will have no material adverse impact on the residential amenities of adjacent properties.

7.3 Design

- 7.3.1 Concerns have been raised regarding the design of the dwelling and that it is inconsistent with the general character of the area which predominantly consists of dormer dwellings.
- 7.3.2 Ardilea Estate is a low density suburban estate constructed in the late 1960's comprising detached properties located on large plots with generous rear gardens.

There are, however, a variety of different house types within the estate and a number of properties have undergone substantial redevelopment in recent years including replacement dwellings and major alterations including raising the roof of existing properties. The photographs submitted with the applicant's appeal response demonstrate the wide variety of dwelling types and design within the vicinity. Whilst most of the dwellings have a gable fronts, it is considered that there is no defining building style or character within the estate. It is also noted that none of the dwellings in the vicinity are protected structures nor is it a conservation area.

7.3.3 It is considered that the design of the infill dwelling is appropriate having regard to the style and character of development in the vicinity. It has been designed with a triangular gable/roof profile which is characteristic of other properties in the estate and those immediately adjacent. The building line to the front has been retained and the palette of materials and external finishes is consistent with adjacent properties. It is not considered that the development would be incongruous in the existing streetscape. It is considered an appropriate design response having regard to the narrow configuration of the site. It is not considered necessary to amend the design further by way of condition as suggested by one of the appellants.

7.4 Boundary Treatment

7.4.1 The appellants object to the potential loss of a hedgerow between no. 33 and no. 35 Louvain and are concerned that the widths of the side passageways are inadequate.

7.4.2 As detailed by the appellant, the boundary between the two properties is clearly delineated. Whilst the construction of the dwelling may necessitate the trimming back of some of the existing hedgerow, this is on the applicant's side of the boundary and, therefore, within their remit to do so.

7.4.3 With regard to the side passageway, to the west, an access of 0.950m is proposed. To the east, the passageway width varies from 1.299 m to approximately 0.75 m. It is considered that these widths are sufficient to provide adequate pedestrian and service access to the rear of the property. It is noted that the Planning Authority raised no objection to the side passageways and noted that they had an acceptable width for circulation and maintenance purposes.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, a two storey dwelling house 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 granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 plans and particulars submitted on the 27th day of 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. 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge to the combined sewer onto the public road or to adjoining properties. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of proposed surface water disposal arrangements.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

4. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. The footpath in front of the proposed vehicular entrances shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

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.

Erika Casey
Planning Inspector

7th September 2017