



An  
Bord  
Pleanála

## Inspector's Report PL06S.248701.

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<b>Development</b>	Demolition of single storey residential unit and construction of two storey house with parking.
<b>Location</b>	37A Fairbrook Lawn, Rathfarnham, Dublin 14.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD16A/0404.
<b>Applicant(s)</b>	Martin McGrath.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission subject to conditions.
<b>Type of Appeal</b>	Third Party vs. grant.
<b>Appellant(s)</b>	Fairbrook Lawn Local Residents.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> September 2017.
<b>Inspector</b>	Ciara Kellett.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in Rathfarnham, Dublin 14. It is located adjacent to 37 Fairbrook Lawn at the corner of Fairbrook Lawn and Glenbrook Park which is c.110m west of Ballyboden Road. Fairbrook Lawn ends in a cul-de-sac with pedestrian access only directly onto Ballyboden Road.
- 1.2. Glenbrook Park and Fairbrook Lawn are well established housing estates comprising a mix of detached, semi-detached and terraced housing. There are a number of on-street trees and sufficient room for on-street parking. A large green area lies to the west of the site. No.37 Fairbrook Lawn is a two storey semi-detached property with a hip roof.
- 1.3. No.37A Fairbrook Lawn is currently in a state of disrepair with overgrown vegetation and would appear to be uninhabited. It is a flat roofed single storey structure and noted as containing two bedrooms. The west side of the dwelling, which is flush with the boundary wall, incorporates a garage door.
- 1.4. Appendix A includes maps and photos.

## 2.0 Proposed Development

- 2.1. The proposed development is for demolition of the single storey structure and the construction of a detached two storey, two bedroomed dwelling stated as being 120sq.m in area, as well as two car parking spaces.
- 2.2. The dwelling is two-storey but has a side and rear annex which is single storey in design with rooflights. The roof design is hipped. Materials include selected roof tiles and a plaster finish to all walls.
- 2.3. Following the request for Further Information, the parking was reduced to one space, the vehicular access was relocated closer to Glenbrook Park, and the side wall was reduced from 2.5m high to 2.25m high.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to 8 standard conditions.

### 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'. Considers main issues for consideration are zoning, planning history, Council policy regarding dwellings in corner/side gardens, roads/parking issues, maturing tree and drainage.
- Considers internal floor areas comply with the provisions of "Quality Housing for Sustainable Communities"; considers private amenity space is acceptable; notes the design seeks to transition the impact of the development by dropping the height of the two storey element down to a single storey, thereby breaking the building line less significantly and considers this acceptable; and, considers there is no significant overshadowing or overlooking.
- Notes the proposed side boundary consists of a blank gable wall which forms the single storey return, a pedestrian side passage, and a 2.55m high wall. Considers wall should be reduced to 2m by condition. Notes current side gable has an inactive gable and proposal will not alter this, and that a first floor active gable is proposed. Considers this acceptable. Notes drawings are unclear and it cannot be determined if the proposal will overhang the public domain.
- The proposed 5.5m wide vehicular entrance would result in loss of residential amenity, streetscape visual amenity and the existing tree would be lost. Notes basic standard vehicular entrance is 3.5m, and having regard to the availability of on-street parking, considers one parking space is acceptable and tree can be maintained.
- Notes Roads Department seek Further Information and considers applicant should be asked to identify location of water mains.

- Further Information sought in January 2017, in relation to the clarification of the boundary, drawings to reduce car parking and protection of tree, and location of water mains.
- The applicant responded in March 2017. Planner noted that the proposed development was unacceptable until it can be confirmed that public health will not be affected; car parking proposal not satisfactory; and, information provided in respect of water mains outstanding. Sought Clarification of Further Information in March 2017.
- Applicant responded to the Planner's satisfaction.
- Recommends permission is granted subject to conditions.

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

#### 3.2.1. **Other Technical Reports**

- **Environmental Services Section:** No objection subject to conditions.
- **Roads Section:** No objection subject to conditions.
- **Parks & Landscape:** Verbally express concerns with maturing maple tree to be removed to facilitate vehicular access.

#### 3.3. **Prescribed Bodies**

- **Irish Water:** No response.

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

Two submissions were received by the Planning Authority. Issues raised included:

- Structure was built without planning permission between 1968 and 1979 and is derelict – it does not have a residential use.
- Reference to previous refusals on the site.
- Existence of 100mm water main.
- Unacceptable design, out of character and cramped form – breaks building line.

- On-street parking adds to congestion.
- Road safety.
- Depreciate value.

## 4.0 Planning History

Planning Applications associated with the site (summary):

- **ABP Ref: PL06S.231889, SDCC Reg. Ref. SD08B/0569:** Permission refused by the Board in June 2009 for a new driveway with parking for 2 cars, modifications to front elevation of house, infill double doors and provision of a single side access pedestrian gate. The Board considered that the development would result in the consolidation of the unauthorised use of the site, providing a substandard form of development which would materially contravene the zoning objective for the area and seriously injure the amenities of the area and would be prejudicial to public health.
- **ABP Ref. PL06S.225251, SDCC Reg. Ref. SD07A/0435:** Permission refused in March 2008 to demolish a house and construct a new house and driveway. The Board had regard to the inadequate area of functional private open space which would be significantly less than the minimum requirement of the Development Plan and would result in overdevelopment of the site and would provide an inadequate standard of residential amenity for future occupants.
- **SDCC Reg. Ref. SD05A/0937:** Permission refused in January 2006 for the demolition of a single storey extension to the side and replacement with a new single storey two-bedroom dwelling to the side and a new vehicular access. The Council considered the development would result in a cramped form of development by reason of encroachment of the side boundary and would seriously injure amenities and depreciate value of property in the vicinity, as well as the inadequate rear garden space and negative impact on the amenity and character of Glenbrook Park, and the development would be prejudicial to public health due to close proximity to a 100mm water main.
- **ABP Ref. PL06S.211807, SDCC Reg. Ref. SD05A/0069:** Permission refused in August 2005 by the Board for the demolition of extension and erection of a

two-storey house. The Board considered there was inadequate private open space, it would have a significant negative impact on the amenity and character of Glenbrook Park and the adjoining dwelling no.62, by reason of breaking the building line and the public road elevations which are inconsistent with the established building line.

- **Enforcement S5841** – File closed due to the development being statute barred.
- **Enforcement S4452** – File closed as notice complied with.

## 5.0 Policy Context

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

Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

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*".

Table 11.20 of Chapter 11 states with respect to Dwelling Standards that the minimum space for two bedroom houses is 80sq.m. The required private open space is 55sq.m. 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”.*

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”*.

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. Quality Housing for Sustainable Communities – Best Practice Guidelines 2007**

Section 5.3.2 refers to minimum room sizes for houses. A two storey, 2-bedroom, 3 person house requires a minimum floor area of 70sq.m, a minimum living room area of 13sq.m, an aggregate living area of 28sq.m, and an aggregate bedroom area of 20sq.m. The area of a single bedroom should be at least 7.1sq.m and the area of the main bedroom should be at least 13sq.m in a dwelling designed to accommodate three or more persons.

The recommended minimum unobstructed living room widths are 3.6m for two bedroom, and the minimum room widths for bedrooms are 2.8m for double bedrooms and 2.1m for single bedrooms.

### 5.3. Natural Heritage Designations

The Glenasmole Valley SAC (Site Code 001209) is located c. 7km to the south-west of the site. South Dublin Bay SAC (Site Code 000210) is located c. 6km to the north-east. Wicklow Mountain SAC (Site Code 002122) is located c. 5km south. Wicklow Mountains SPA (Site code 004040) is located c.5km south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

One third party appeal from Fairbrook Lawn Local Residents signed by a number of the residents has been submitted. There are three ground referred to. In summary it states:

- Unacceptable design, out of character and cramped form, breaks building line.
- Consider proposal is in a prominent location at the corner of two residential cul-de-sacs. Consider visual prominence is further emphasised by the expanse of open space to the west.
- Note building line is level with the original house no.37 Fairbrook Lawn but it seriously breaches the established building line along Glenbrook Park.
- As a corner development it should provide dual frontage; the west side has a large blank gable wall, a different roof design and two pedestrian passages not in keeping with the character of the houses. Dwelling has much narrower footprint and different materials are proposed. The removal of part of the curved boundary wall would have a negative impact on the visual amenity of the area.
- Location of car entrance, parking and road safety.
- Site is at junction of three roads – exit from the dwelling into the middle of this junction is unacceptable danger. One car park space will result in further congestion to on-street parking.
- Existence of a 100mm water main in proximity to the site.



- Planning permission was refused on two separate occasions with reference to water main being 1.2m from proposal. Applicant submitted a figure of 2.4m distance with no positive proof.
- Consider Council decision was unsound and based on inaccurate information which was not independently verified.

## 6.2. **Planning Authority Response**

The Planning Authority confirm its decision and notes issues raised have been covered in the Planner's Report.

## 6.3. **Applicant's Response**

The applicant responded to the appeal. In summary, it states:

- Considers the appeal is invalid. Notes appeal is c/o the same person who signed the submission to the Planning Authority, but includes different names of appellants.
- Submits that dwellings along Fairbrook Lawn and Fairbrook Terrace highlight the fact that the estate already includes houses of varying design and photo of dwellings opposite subject site included.
- Considers design is sympathetic to the local environment. Design deliberately includes a single storey section along Fairbrook Lawn to be sympathetic to the existing building line. Design is similar to dwellings nearby.
- Strict requirements of the Council in terms of space both internally and externally have been adhered to. Dwelling is not a cramped form of development.
- Suggestion that car parking access is dangerous is incorrect. The proposed design has been revised a number of times in accordance with the Council's Road Department.
- States that all contact with Irish Water is available on the public file.
- A drawing showing the location of water mains within 10m of the site was provided to the Council as requested.

- Correspondence with Irish Water's engineer was quite precise and self-explanatory. It was explained that a water mains burst in 2010, and subsequent repair work by the Council, located the water mains between 2.2m and 3.5m from the existing boundary wall.
- Following the request for Clarification of Further Information further investigations took place including examining the previous repair works, and as a result further dimensions and sectional details were submitted to the Council. After this the Council was satisfied with the information provided.

## 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. I am satisfied that the principle of development of a dwelling in this location is acceptable, subject to compliance with the Development Plan standards. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design of proposal
- Parking
- Proximity to water main
- Appropriate Assessment

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

The appellants submit that the design is out of character with the surrounding area. I have visited the site and consider that there are a number of different house styles in the area. Immediately across the road from the site there is a row of terraced houses, and a pair of semi-detached houses which appear to be more recently constructed than the rest of the houses along the cul-de-sac. Most of the older houses have been extended and/or garages converted over the years. An L-shaped dormer dwelling is located on the corner opposite the subject site. Glenbrook Park mainly consists of red-brick semi-detached dwellings. Having regard to the variety of house types and the different materials used, particularly at the junction of Fairbrook

Lawn and Glenbrook Park, I do not agree with the appellants that the house will be out of character.

The appellants state that the building line is level with No.37, but would seriously breach the established building line along Glenbrook Park. The house addresses and faces Fairbrook Lawn and is in line with those houses. I do not consider that breaching the building line established by Glenbrook Park would have a serious negative visual impact on the area. Furthermore, the design incorporates a single storey annex and return, to reduce the impact of breaking the building line with Glenbrook Park, and there is a large mature on-street tree which will minimise the visual impact when viewed from the Glenbrook Park direction.

I agree with the appellants that dual frontage is not proposed as recommended in the Development Plan, however, I do not consider that it will detract from the area, and I do not consider this to be a sufficient reason for refusal.

The dwelling is a narrower design than No.37, however I note that No's. 23 and 23a, immediately across the road, are also a narrow design compared to the older semi-detached dwellings. The finish of the dwelling is stated as being a render finish, while the appellants note that the existing houses are constructed with brick to the ground floor and render to the first floor. Materials used in the immediate vicinity of the site range from render to brick and there is no set style, particularly at this junction of the two estates. I consider that should the Board decide to grant permission, a condition of the grant should be that the materials to be used are subject to agreement with the Planning Authority.

I do not agree with the appellants that the removal of a section of the curved boundary wall will have a negative impact on the visual amenity of the area.

In conclusion, I am satisfied that the design of the dwelling is not out of character with the existing dwellings. There is a wide variety of house styles, albeit semi-detached dwellings are the dominant style in the area. I am also satisfied that the details of the materials to be used can be subject to a condition to agree them with the Planning Authority. I do not consider that the proposal should be refused permission by reason of its design.

## 7.2. **Parking**

The appellants express concern with the parking arrangements at the junction of three roads at this location. The Roads Department sought changes to the location of the vehicular access to improve safety, and considered that the revised location of the entrance to the driveway is acceptable. The road is a cul-de-sac, and there will be limited levels of traffic choosing to drive from Glenbrook Park via this junction. I do not consider that pedestrian safety is further compromised by this dwelling than any other driveway along the street.

On street parking is available in this location and I consider one off-street parking space acceptable in this instance.

I consider the parking arrangements acceptable.

## 7.3. **Proximity to Water Main**

Permission has been refused on grounds of public health in two of the previous applications. The applicant was asked to confirm the location of the water main which runs adjacent to the site. The applicant provided the Planning Authority with information indicating that the actual location of the water main is approximately 2.2m away from the existing building footprint. This information was ascertained when a leak in the pipe had to be fixed during a recent cold winter, which was subsequent to the previous planning applications. Irish Water have not recommended a refusal of permission based on the location of the water main, and the Environmental Department of the Council have no objections to the proposal subject to conditions.

Having regard to the fact that the actual location of the water main has been established according to the applicant, and that there is no creep in the footprint of the proposal closer to the water main, I consider that with appropriate conditions to protect the water main during construction, there is no impact on public health.

## 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 granted for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands as set out in the South Dublin County Development Plan 2016-2022, to the pattern of development in the area, and to the acceptable scale and design of the proposed dwelling, 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 or of property in the vicinity. 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 2<sup>nd</sup> day of March 2017 and on the 5<sup>th</sup> day of May 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or

Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new dwelling.

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.

4. 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.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

7. 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, protection of the existing trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

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

8. 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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Ciara Kellett  
Inspectorate

6<sup>th</sup> September 2017