



An
Bord
Pleanála

Inspector's Report PL 06D.248794

Development	Subdivision of site and construction of detached dwelling in side garden with new vehicular access.
Location	122 Meadow Grove, Dundrum, Dublin 16
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0111
Applicant(s)	Warren Dunne
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Michael and Ann Wall
Observer(s)	No observers
Date of Site Inspection	18/08/2017
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site is located within an established suburban estate in Dundrum. The general character and pattern of development in the area is low density housing. The site is the side garden of an existing dwelling, no. 122 Meadow Grove and has an area of 0.0375 ha. It is a corner site with frontage to both Meadow Grove and Meadow Avenue. There are two storey semi-detached dwellings located to the north and west of the site. The perimeter of the site is bound by a c. 1 metre high low boundary block wall.

2.0 Proposed Development

2.1. The proposed development comprises the subdivision of the curtilage of no. 122 and the construction of a two storey dwelling in the side garden. At ground floor level, there is a small single storey extension to the south to facilitate an extended living and dining area. There is also a single storey element to the north which accommodates a sunroom. The main entrance to the house is off Meadow Avenue, with car parking provision for 2 no. spaces.

2.2. The dwelling has a floor area of 208 sq. metres and accommodates 4 no. bedrooms. The principal amenity area to serve the dwelling is located to the south on the corner of Meadow Grove and Meadow Avenue.

2.3. The development was amended at Further Information and Clarification of Further Information stage. The boundary treatment was revised to omit the 2 metre high timber fence proposed and replace it with planting comprising hedging and trees. The entrance arrangements were also amended to comply with the requirements of the Transportation Department of Dun Laoghaire Rathdown County Council. The elevational treatment of the dwelling was revised to comprise red brick and render, more in keeping with the adjacent dwellings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To grant permission subject to conditions. Conditions to note include:

Condition 2: Prior to commencement of development, detailed elevation drawings showing the proposed planting boundary treatment for the site to be submitted for agreement.

Condition 4: External finishes to harmonise with existing dwelling on adjoining site.

Condition 6: Footpath in front of new vehicular entrance shall be dished and strengthened at Applicant's own expense.

3.2. Planning Authority Reports

3.2.1. Planning Reports (04/04/2017, 05/05/2017 and 31/05/2017)

The planner's reports note the following key points:

- The proposed dwelling is consistent with the ridge line of neighbouring house.
- Location of fenestration at first floor level considered acceptable and no overlooking will occur.
- Extent of usable private open space considered acceptable.
- Considered acceptable that dwelling does not maintain the building line along Meadow Avenue.
- Development is not considered to constitute over development of the site.

3.2.2. Other Technical Reports

Transportation Planning (30/02/2017, 04/05/2017): No objection subject to conditions.

Drainage Planning (07/03/2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (07/03/2017)

- Separate supply shall be taken from the public water main to serve the proposed dwelling.
- 150mm foul drain crossing the lands is private. Applicants responsible for acquiring necessary rights to connect to drain and to ensure adequate capacity is not exceeded.

3.4. Third Party Observations

1) Michael and Ann Wall, 93 Meadow Grove, Dundrum, Dublin 16.

- Development is overbearing and visually obtrusive and will result in overlooking and overshadowing.
- Form and siting of the house forward of existing building lines would injure visual and residential amenities of the area and result in an undesirable precedent.
- Proposed boundary treatment is inappropriate.
- Proposed boundary treatment in conjunction with an additional vehicular entrance will result in inadequate sightlines and thus endanger public safety by reason of a traffic hazard.
- The dwelling taken in conjunction permitted extension to existing dwelling (no. 122) would result in the overdevelopment of the site.

2) Captain Peter Brown, 6 Meadow Avenue, Dundrum, Dublin 16.

- Proposed dwelling extends beyond established building lines.
- Siting of proposed dwelling is too close to the existing roadside boundary and amenity space to serve the dwelling is inadequate.
- Proposed boundary treatment is out of character with the area and would obscure visibility of road traffic.

4.0 Planning History

Planning Application Reference D17B/0009

- 4.1 Permission was granted on the 28/02/2017 for a development at the existing dwelling, no. 122 Meadow Grove comprising the construction of a single storey extension to the rear and a 2 storey extension to the side of the dwelling. The application also provided for the conversion of the garage to habitable accommodation and an increase to the ridge height of the main roof by 0.768mm. The development results in an increase of the floor area of the dwelling from 130 sq. metres to c. 174 sq. metres.

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.

5.2. Natural Heritage Designations

5.2.1 None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

Michael Wall on behalf of Michael and Ann Wall, 93 Meadow Grove, Dundrum, Dublin 16.

- The location and layout of the development will result in noise disturbance, overlooking and would be an overbearing and visually obtrusive form of development at this location.
- The development breaks the building line of adjacent properties and the projecting bay at ground floor level is located too close to the site boundary.
- The proposed use of the front garden as the primary amenity space coupled with the boundary treatment by reason of its height, would result in unnecessary noise disturbance and set an undesirable precedent for similar development. Considers that boundary treatment will result in a 'fort like' obtrusive feature.
- Proposed boundary together with the additional vehicular entrance with inadequate sightlines will endanger public safety by reason of traffic hazard.
- The proposed dwelling taken together with the redevelopment of the existing house (no. 122) will result in overdevelopment of the overall site.

6.2. Applicant Response

- The dwelling has been designed to protect the amenities of adjacent properties. The proposed internal layout and open space take advantage of the sites orientation and is considered reasonable.
- There are a number of other developments in the vicinity that project forward of the main body of the dwelling and do not retain the established building line.

- A precedent for this type of development has been granted under PA Ref. D16A/0121.
- There will be no overlooking from the proposed development. Dwelling has been designed to reflect the character of the existing houses. The proposed use of a perimeter hedge behind the existing boundary wall is commonly used in the area and will not look out of place. The hedge will soften the corner and maintain privacy to the open space.
- There are very good sightlines in existence with 3 metres wide verges/paths provided between the boundaries of houses and the road on Meadow Avenue. The development will not adversely affect traffic flow nor cause a traffic hazard. It notes that the site historically had mature planting and trees along the boundary, and no traffic issues arose.
- The development will not result in overdevelopment. Sufficient private open space is retained to serve the existing and proposed dwellings. The development meets all relevant Development Plan standards.

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.

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:

- Visual Impact.
- Impact on Residential Amenity.

- Access.
- Appropriate Assessment.

7.2. Visual Impact

- 7.2.1 Concerns are raised by the appellant that the proposed development does not retain the established building line along Meadow Avenue. To the south, the dwelling generally accords with the established building line along Meadow Grove. Whilst a small portion of the ground floor extends beyond the established line at ground floor level to accommodate an enlarged living and dining room, this is not considered material.
- 7.2.3 The eastern building line along Meadow Avenue extends beyond that of the dwellings located to the north. It is noted however, that there is a large area of open space located to the north of the dwelling with a depth of 11.165 metres which breaks up the transition between the existing house (no. 3 Meadow Ave.) and proposed dwelling. An infill dwelling on the subject site, even if orientated north south, would not retain the building line along Meadow Avenue.
- 7.2.4 Guidance such as “Sustainable Residential Development in Urban Areas” encourages greater intensification on such sites subject to the residential amenities of existing properties being safeguarded. As will be set out below, it is not considered that the dwelling will have any adverse impact on the residential amenities of properties in the vicinity. In this context, having regard to the orientation of the site and the need to promote greater intensification in low density areas such as this, it is not considered that the layout of the dwelling would have an adverse impact on the visual amenity of the area, nor be a visually discordant or obtrusive feature.
- 7.2.5 With regard to the proposed boundary treatment to the site, it is noted that this was substantially modified at Further Information stage and the proposed 2 metre high timber fence to the rear of the existing boundary wall was replaced with a laurel hedge and 7 no. ornamental trees. It is considered that this proposal is generally acceptable and would not give rise to an adverse visual impact nor appear ‘fortress like’ as contended by the appellants.

7.3 Impact on Residential Amenity

- 7.3.1 The proposed development comprises a two storey dwelling house with its primary access fronting Meadow Avenue. The dwelling has been sited to maximise the southern orientation of the site, with the main private open space area located to the south of the house in the form of a side garden. Whilst the appellant objects to the principle of the primary open space being located to the side of the house, it is noted that a further more private open space area is also proposed to the north of the dwelling. In this regard, the layout of the development and quantum and quality of private open space is considered reasonable having regard to the configuration and location of the site.
- 7.3.2 It is stated by the appellants that the proposed development by reason of its design, layout, siting, scale and mass results in a form of development which will seriously injure the residential amenities of the area. I consider that the scale of the development is appropriate. The footprint of the building generally accords with that on the adjacent plot at no. 122. Due to the depth of the rear garden and separation distance of the rear elevation of the dwelling from no. 3 Meadow Avenue, it is not considered that the development would give rise to any undue or adverse overlooking impacts. Furthermore, due to the separation distances proposed, it is not considered that any material overshadowing impacts will occur.
- 7.3.3 The proposed finishes and materials of the dwelling comprise selected red brick and render finish. These materials are characteristic of the area and will ensure the dwelling assimilates well with the existing context.
- 7.3.4 Concerns are raised regarding potential noise impacts due to the fact that the principal amenity space serving the dwelling is located to the south of the dwelling in what effectively is the side garden. The location of the amenity space has been designed to maximise the southern orientation of the site. This has been acknowledged by the appellant as being somewhat logical given the orientation of the site and desire for a southerly aspect. It is considered that the location of the open space area is acceptable. As its recreational use will be associated with the domestic function of the dwelling, it is not considered that undue noise impacts are likely to arise.

- 7.3.5 It is stated that the development would also result in an undecidable precedent. Reference is made to another site at 117 Barton Road East where a similar form of development could be developed. It is noted that there is no current application relating to this site and any future application on this site would be considered on its own merits.
- 7.3.6 It is contended by the appellant that the development, when taken in conjunction with the proposed works approved to the existing dwelling would represent an overdevelopment of the site. Permission was previously granted for the conversion of the existing garage to the side of no. 122 and the construction of an extension to the side and rear. It is noted, notwithstanding the subdivision of the subject site, the existing dwelling retains a large garden to the rear (c. 131 sq. metres) which will afford a sufficient level of amenity to the dwelling. Furthermore, the proposed dwelling will accommodate a large open space area to the north and south with a combined area of 158 sq. metres.
- 7.3.7 As noted above, the proposed dwelling has also been sited to ensure adequate separation distances from adjoining residential boundaries. In this context, it is considered that the scale of the development is appropriate and it does not constitute over development of the site. It is not considered that the development will have any significant adverse impact on the residential amenities of the area.
- 7.3.8 With regard to the appellant's statement that the site would be better suited for a modest single storey house, it is not considered that this would represent the most effective utilisation of this infill site and having regard to the established character of the area, a two storey dwelling is more appropriate.

7.4 Access

- 7.4.1 A new vehicular access is proposed to serve the dwelling from Meadow Avenue. The proposed access is well set back from the junction with Meadow Grove by approximately 27 metres.
- 7.4.2 The design of the access was modified at further information stage to recess the entrance and piers 1.5 metres back from the boundary and to splay the wing walls at 45 degrees so as to provide adequate visibility between vehicles existing the proposed entrance and pedestrians using the footpath. The Transportation Department have no objection to the access as proposed.

7.4.3 It is noted that the site previously accommodated a number of mature trees along the junction with Meadow Grove and Meadow Avenue. The proposed development will result in a similar site condition.

7.4.4 The appellant has not provided any detailed or technical evidence to support the contention that the development would result in a traffic hazard. Having regard to the residential character of the road associated with low traffic volumes and the design of the proposed entrance, I do not consider that the proposed development would give rise to an unacceptable traffic hazard.

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 and would be acceptable in terms of traffic safety and convenience. The proposed development would 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 11th day of April 2017 and 9th 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. 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. a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the perimeter boundary of the site consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development

shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and in the interest of visual amenity.

6. 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.

7. 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.

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 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

19th September 2017