



An
Bord
Pleanála

Inspector's Report PL 06D.248968

Development	Construction of house
Location	No. 1 Manor Park, Grange Road, Rathfarnham, County Dublin
Planning Authority	Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D17A/0432
Applicant(s)	Peter & Helen Flood
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Peter & Helen Flood
Observer(s)	Edward D. Bolger
Date of Site Inspection	12 th October, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. No. 1 Manor Park, Rathfarnham, County Dublin is a detached two-storey house with a large garden at the southern end of the estate road. The site for the proposed development comprises the rectangular-shaped side garden of the existing house. This side garden lies immediately north of Grange Road and at the cul-de-sac end of Manor Park. Manor Park is a short cul-de-sac of six detached, two-storey houses facing west towards a public open space. Other development in the vicinity includes three detached houses to the east of the site at the cul-de-sac end of 'The Dell'.

2.0 Proposed Development

2.1. The proposed development comprises a three-storey, five-bedroom detached house. It would have a roof terrace and would include the provision of a new vehicular entrance from Manor Park. The total floor area of the house would be 228.5 square metres on a site area of 367.5 square metres, forming a subdivision of the 0.0729 hectare plot.

2.2. Details submitted with the application included a shadow analysis.

3.0 Planning Authority Decision

3.1. Decision

On 6th July, 2017, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 11 conditions. Condition 5 stated:

“5. *The proposed development shall be amended as follows:*

- a) *The overall roof height shall be reduced to more (sic) no more than 7.1 metres and the two side dormer elements shall be removed along with the roof terrace;*
- b) *Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.*

REASON: In the interest of visual amenity.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the observation made, interdepartmental reports received, and development plan provisions. It was noted that there is sufficient spacing and amenity space on the site for both the existing house and the proposed house. Concerns were raised that the additional height at attic level appears excessive when viewed from the street. It was also submitted that the proposed roof terrace would introduce overlooking to the rear garden of the nearest property to the rear at The Dell. The side windows to serve the stairwell were considered unusual and it was submitted that they would give rise to overlooking of the rear garden of the existing house on the site. The higher height and excess bulk at roof level was seen to be apparent on the approaches along Grange Road to the south. It was recommended that the overall height should be reduced to no more than 7.1 metres and that the projecting dormers and roof terrace be omitted. Reference was made to the proposed roof level changes overcoming overlooking concerns. A grant of permission was recommended.

3.2.2. Other Technical Reports

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

The Drainage Engineer set out surface water requirements to be met.

3.3. Third Party Observations

A submission was received from Edward Bolger, No. 2 manor Park. The observation to the Board reflects the concerns raised.

4.0 Planning History

P.A. Ref. D04A/0214

Permission was granted by the planning authority for a two-storey, four-bedroom house with attic accommodation.

5.0 Policy Context

5.1. Dún Laoghaire-Rathdown Development Plan 2016-2022

Zoning

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

Additional Residential Accommodation in Built-Up Areas

Corner/Side Garden Sites

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.

- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants are appealing the attachment of Condition 5 with the decision of the planning authority. The grounds of appeal may be summarised as follows:

- Although the house will not be particularly visible from the street because of mature trees in front of it, it has been carefully designed to continue the existing row of houses and to act as an architectural book-end to the row.
- The proposed roof terrace is cut into the roof and ensures that the view is strictly across Grange Road towards Marlay Park. There is no view from the roof terrace towards property at The Dell.
- The windows to the stairwell are obscure and will ensure there will be no overlooking of the rear of No. 1 Manor Park.
- Grange Road has been widened and developed since the construction of Manor Park estate, resulting in No. 1 presenting a blank gable to this important road. It is the intention that the proposed design would present a more interesting elevation to this road and it would improve the visual aspect to the road.

6.2. Planning Authority Response

The planning authority submits that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.3. Observations

The Observer, residing at No. 2 Manor Park, raises concerns about the development being out of scale with existing houses and being highly visible from Grange Road, overlooking, and the roof design being out of character and casting shadows.

7.0 Assessment

- 7.1. I am satisfied, having examined the details of the application and having visited the site, that the determination of the application by the Board, as if it had been made to it in the first instance, would not be warranted. Accordingly, I consider that it is appropriate to use the provisions of section 139 of the Local Government (Planning and Development) Act, 2000, as amended, and to consider the issues arising out of the disputed condition only.
- 7.2. I note the appellants' submission relating to the Planner's various concerns in the report to the planning authority. I also note the reason for Condition 5 of the planning authority's decision, i.e. "*In the interest of visual amenity*". It is evident, therefore, that the planning authority did not seek to reduce the building height or to remove the side dormers and roof terrace because of any concern about impact on residential amenity. Notwithstanding this, the appeal seeks to address concerns about potential impact on residential amenity and adequately demonstrates that the structure is designed to avail of views across Grange Road to Marlay Park and on towards the Dublin Mountains, while at the same time prohibiting views towards property to the rear. Furthermore, I note the proposed development expressly provides for windows to the stairwell to be glazed in opaque glass so that there would be no overlooking of the rear garden of No. 1 Manor Park. Having regard to these design provisions, I concur with the appellant and do not consider that there is any significant adverse impact arising for neighbouring residents by way of overlooking. Furthermore, I note the shadow analysis submitted as part of the application documentation and I am satisfied that the proposed development would not have any significant overshadowing concerns for the occupants of No. 1 Manor Park and certainly no substantial impact beyond this to the north of the overall plot that may affect the observer's property. It is, thus, concluded that the proposed development would not have any significant impact on the residential amenities of adjoining properties.
- 7.3. With regard to the visual impact of the proposed development, I consider that the proposal is somewhat compatible in form and character with established houses on Manor Park with regard to a type of gable-fronted presentation and use of similar materials prevailing in the estate, albeit the proposed house would be higher arising from the additional storey. This in itself, at this cul-de-sac end and adjoining a busy

main road, i.e. Grange Road, makes the appellants' consideration of the proposed development acting as an architectural book-end as having significant merit. It is my submission that, in the context of visual impact from within Manor Park, the proposed development's siting at the cul-de-sac end, at the end of a line of detached houses that somewhat shield the visibility of the proposed structure, is particularly relevant and minimises potential visibility and visual impact from within the estate. The minimisation of impact is further significantly facilitated where established trees along the estate road increase the degree of screening of the site when viewed from this estate road. I, thus, conclude that there is no merit in seeking to revise the building's design based upon any visual impact that results for Manor Park.

7.4. With regard to visual impact when the proposed development is viewed from Grange Road, I first note that the upgrade of Grange Road in recent times has provided greater exposure of Manor Park from this road, and to the southern gable of No. 1 in particular. It is my submission to the Board that the proposed southern gable of the house that would present to Grange Road would not cause any notable increased significant visual impact on this busy main road that could be determined to cause any increased visual intrusion or to obstruct any features in this locality whose view thereto merit particular protection. The appellants reasonably argue that the replacement of a view of a blank gable with the proposed gable elevation produces a more interesting elevation to the road. While development is brought closer to Grange Road, it could not reasonably be concluded that views of the proposed southern gable would cause any significant adverse visual impact over that which exists. The Board will also note that the degree of visibility of Manor Park from Grange Road is very limited due to vegetation along the periphery of Grange Road, with only a short break in the vicinity of Manor Park, thus minimising the potential visibility of the proposed house within the wider environs.

7.5. In conclusion, I can see no merit in the attachment of Condition 5 of the planning authority's decision for the reason that the development as originally designed has an adverse impact on visual amenity. In addition, I am satisfied to conclude that the changes to the design, as proposed by the planning authority by the attachment of this condition, are not merited based upon any concern about impacts on the amenities of residents in the vicinity.

8.0 Recommendation

8.1 OMIT Condition number 5 for the following reasons and consideration:

9.0 Reasons and Considerations

Having regard to the location of the proposed development at the cul-de-sac end of Manor Park, the established housing and additional natural screening within the estate, and to the established form of development visible from the adjoining Grange Road, it is considered that the proposed development would not have any significant adverse impacts on visual or residential amenities of the area and would otherwise be in accordance with the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

12th October, 2017