



An
Bord
Pleanála

Inspector's Report PL06D.248975

Development	Permission sought for construction of a two-storey three bedroom dwelling and associated site works.
Location	4 Montpelier Place, Monkstown, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0436
Applicant(s)	Brendan & Mary McCormack
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	Aileen Corbett
Date of Site Inspection	26 th October 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.003 hectares, is located to the south east of Blackrock. The appeal site is part of the curtilage of 4 Montpelier Place. The site is part of the rear garden of no. 4 and the site has road frontage and a vehicular access on the southern side of Monkstown Road. Immediately south is no. 4 Montpelier Place, which is a two-storey terraced dwelling. There is an existing single-storey workshop on site. To the west is the rear garden associated with no. 3 Montpelier Place and to the east is a two-storey dwelling fronting Monkstown Road, 'Gortmhuire'. Existing boundaries (eastern, western and northern are stone walls with no defined boundary to the south as it is subdivision of the curtilage of an existing dwelling.

2.0 Proposed Development

2.1 Permission is sought to demolish an existing workshop and the construction of a two-storey three-bedroom mews type dwelling (132.2sqm), widening of the existing vehicular entrance onto Monkstown Road and provision of a sliding gate, and setback replacement boundary wall. The proposed dwelling has a ridge height of 8.2m, features a pitched roof and external finishes of brick, render and black tile roof. The proposal entails widening of the existing vehicular entrance and provision of off-street parking to the front of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions. Of note are the following conditions...

Condition no. 6

- (a) Entrance to be a maximum width of 3.5m.
- (b) Entrance to be located in the centre of the frontage.

(c) The sliding gate proposed is to be omitted and replaced with a manual sliding gate.

(d) Elevation drawing showing the height of the front boundary for a minimum distance of 1m each side to be no more than 1.1m.

3.2. Local Authority and External reports

3.2.1. Transportation Planning (14/06/17): Refusal recommended on the basis of traffic safety due to the provision of entrance directly onto Monkstown Road and the precedent for such. A further information request is detailed if permission was being considered including provision of an entrance at least 3.5m wide.

3.2.2. Conservation Officer (19/006/17): Further information required including clarification of the details of the proposed boundary treatment including the treatment of boundaries to be retained on site.

3.2.3. Drainage Planning (03/07/17): No objection subject to condition.

3.2.4. Planning Report (08/07/17): The proposal is in compliance with zoning, the design and scale is in keeping with adjoining properties and satisfactory in the context of visual and adjoining amenities as well as traffic safety. A grant of permission was recommended subject to conditions outlined above.

4.0 Planning History

4.1 PL06D.122237: Permission refused for demolition of existing shed and construction of a two-storey over basement dwelling.

1. The proposed development is located on a heavily trafficked road and within the confines of a major junction. It is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A with a stated objective 'to protect and/or improve residential amenity'.

5.1.2 The site is located within the Montpelier Place Architectural Conservation Area.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by Alice Corbett, 11 Monkstown Road, Monkstown, Co. Dublin. The grounds of appeal are as follows...

- It is noted that the Transportation Section recommended refusal on traffic safety grounds and such was disregarded in the decision to grant permission.
- It is noted that the proposal entails removal of a portion of the front boundary wall (along Monkstown Road) and the applicants do not have the legal entitlement to do such without the consent of the appellant. It is also noted that such alterations may destabilise the existing wall and cause damage to the appellant's property.
- The appellants' note further information request by the Transportation Section was also not addressed including the provision of off-street car parking, turning movement on and off the road and details regarding the gated access with concerns regarding the potential for the proposal to be a traffic hazard. The appellant also notes that adequate sightlines are not achievable and have not been demonstrated at the proposed vehicular access.
- The appellant raises concern regarding the potential intensification of on-street car parking at this location and that the proposal is inadequate in terms

of provision of off-street car parking with consideration of the existing dwelling required.

- The appellant questions the accuracy of the drawings and questions the dimensions of the rear garden associated with the proposed dwelling.
- The appellant questions the impact of the setback of the boundary wall on the character of the area and the ACA as well as the impact of the first floor projection.
- It is noted there has been inadequate assessment of the proposal in the context of its impact on the character of the Architectural Conservation Area. The appellant is of the view that it has not been demonstrated that the proposal would be satisfactory in the context of the character of the ACA.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- It is considered that the grounds of appeal raise no new issues that would justify a change in attitude to the proposed development.

6.2.2 Response by Kieran O'Malley & Co Ltd on behalf of the applicants, Brendan & Mary McCormack, 4 Montpelier Place, Monkstown, Co. Dublin.

- It is noted that the only issues raised that impacts on the appellant is a legal issue concerning the alteration of the boundary wall, which is wholly in the applicants' ownership.
- It is noted that there is no obligation for recommendations for the Transportation Planning section to be implemented and its noted that issues raised as potential further information in the report could be addressed by way of condition, which was the case.

- It is noted that the alterations to the boundary wall are minor in nature and would not destabilise the remainder of the wall.
- It is noted that two off-street car parking spaces are shown on the layout and that in both instances cars can clearly enter and exit in forward gear and that issues concerning movements on and off the site are addressed by condition no.s 6(a) and (b).
- It is noted that the required parking and visibility standard is achievable at the proposed vehicular entrance point.
- There is existing ample on-street car parking on Montpelier Place with it noted that the vehicular access to Montpelier Road was constructed as part of road widening by the Council.
- It is noted that the Council's Conservation Officer has no objection on the grounds of architectural heritage and the proposed development is acceptable in the context of the character of the Architectural Conservation Area.

6.2.3 Further response by Dun Laoghaire Rathdown County Council.

- It is considered that the grounds of appeal raise no new issues that would justify a change in attitude to the proposed development.

6.2.4 Response by the appellant Aileen Corbett, Alice Corbett, 11 Monkstown Road, Monkstown, Co. Dublin.

- The response includes an engineering report that concludes the proposal is unsuitable from a traffic management point of view as well as noting the recommendations of the Council's Transportation section and the previous refusal on site on traffic grounds. It is also noted proposal for a coastal cycle route at this location will increase traffic levels on Monkstown Road
- It is noted that there is insufficient parking in Montpelier Place with it noted that the information submitted by the applicant overstated the level of parking

available. It is noted that there is insufficient car parking available for the existing dwelling.

- It is noted that the proposal would not comply with policy regarding Architectural Conservation Areas and that the proposal for development within the back garden of 4 Montpelier Place would be detrimental to the character of the ACA.
- The appellant reiterates the concerns regarding proposed alterations of a shared boundary and the lack of entitlement to carry out such modifications as well as the concerns regarding the impact on the stability of existing boundary walls adjoining the site.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Design/scale, visual/residential amenity

Traffic impact

Appropriate Assessment

Other Issues

7.2 Design/scale and visual/residential amenity:

7.2.1 The proposal is for subdivision of the curtilage of an existing dwelling at no. 4 Montpelier Place. The existing dwelling has a long rear garden with road frontage off Monkstown Road and an existing vehicular entrance. The proposal is for a two-storey dwelling facing onto Monkstown Road with widening of the existing vehicular entrance and the provision of off-street car parking to the front of the existing

dwelling and a rear garden. At present there are a number of existing dwellings fronting onto Monkstown Road to the east and west of the site. The proposed dwelling has been positioned on site to conform to the building line of an existing dwelling on site to the east (Gortmhuire). The proposal would not be out of keeping with the existing pattern of development for dwellings fronting onto Monkstown Road and in particular the pattern of development established by the existing dwelling on the site to the east.

7.2.2 The proposal is for a two-storey dwelling, which would not be out of scale or character with existing dwellings in the vicinity including the dwelling immediately to the east. The dwelling does project forward of the building line of the adjoining dwelling at ground floor level and to a lesser extent at first floor level, but would not be detrimental to the visual amenities of the area. The site is located within the Montpelier Place Architectural Conservation Area. I would consider that the design and scale of the dwelling has adequate regard to the character of the ACA and conforms to the existing pattern of development and is subordinate in scale to the existing dwellings fronting Montpelier Place.

7.2.3 There are a number of development control objectives for new residential development. The proposal is a subdivision of an existing dwelling. The proposal is for a three-bedroom dwelling and has a requirement of 60sqm of private open space. It is notable that the level of private open space provided (approximately 110sqm) is well in excess of the minimum standard. It is notable that in excess of 75sqm of private open space is retained with the existing dwelling at no. 4 Montpelier Place and such would be consistent with Development Plan policy. The requirement under Development Plan policy for off-street car parking is 2 spaces per dwelling. In this case two off-street car parking spaces are provided. The appellant notes that the proposal entails loss of parking for the existing dwelling and such should be a consideration. I am satisfied that sufficient parking in accordance with Development Plan requirements is being provided for the new dwelling proposed. The existing dwelling would have benefited from the use of the existing vehicular access as well as existing on street parking along Montpelier Place. Despite such it would appear that the vehicular access on Monkstown Road is not very active use and that the occupants of no. 4 use the on street parking along Montpelier Place. I would

consider that the loss the use of the site area and the vehicular access onto Monkstown Road, would not be detrimental to the amenities of parking requirements of the existing dwelling and that the proposed parking arrangements associated with the proposed and existing dwelling is satisfactory.

7.2.4 The proposal provides for a two-storey dwelling back to back with the existing dwelling from whose curtilage the site is taken from. Separation distances of in excess of 22m between opposing first floor windows is maintained between the proposed and existing dwelling. As noted earlier the proposal conforms to the existing pattern of development along Monkstown Road and in particular the existing dwelling to the east. The scale of the dwelling is also in keeping with that of dwellings on adjoining sites (two-storey) as well as the orientation of adjoining dwellings. I am satisfied that the design, scale and orientation of the proposed dwelling has adequate regard to the amenities of adjoining residential properties.

7.3 Traffic Impact:

7.3.1 No. 4 Montpelier Place has parking to the front in a communal area, but also has road frontage and an existing access off Monkstown Road. The proposal to subdivide the site includes widening of the existing vehicular access to facilitate off-street car parking to the front of proposed dwelling. Where the site adjoins Monkstown Road there are three lanes of traffic with two lanes on the southern side of the road (westbound traffic) and one lane on the northern side (eastbound traffic). The two lanes on the southern side allow for traffic to turn right and left at the junction of the Monkstown Road and the R113, which is short distance. There was a previous proposal for a dwelling refused under PL06D.122237 with the reason for refusal note above. The appellant has noted that the Transportation Section of the Council recommended refusal as well as noting that the applicant failed to deal with the issues raised by the further information request recommended under the same report.

7.3.2 The site is located on an urban road with a good vertical and horizontal alignment with existing footpaths. The site is within the 50kph zone with the requirement for visibility of 49m setback 2.4m from the road edge in each direction under the Design manual for Urban Roads and Streets. The conditions attached to the permission require the entrance to be located centrally and to be at least 3.5m wide. I am satisfied that the required visibility is available at this location and would concur with the requirements to locate the entrance centrally as well as the requirement for a minimum width of 3.5m. The appellants raise concerns regarding the turning movements of traffic and the ability of vehicles to enter and exit in forward gear. I am satisfied that the applicants have demonstrated that such is feasible (swept path analysis included with response). In addition, I would agree with the requirement for a manual sliding gate as opposed to an automatic one. I am satisfied that the proposed development would be acceptable in the context of traffic safety. Such would be the case due to its location on an urban road within the 50kph zone with good visibility available at the proposed vehicular entrance. I would also note that although the speed limit is 50kph, the traffic speed at this location and in particular traffic travelling west is lower due to the location of the junction of the Monkstown Road and R113 to the west of the site. Of consideration is also the fact that there is an existing vehicular entrance at this location that could be used on a daily basis for access to the rear of no. 4 Montpelier Place. I am satisfied that the proposal would be acceptable in the context of traffic safety and convenience and would recommend a similar condition to condition no. 6 outlined above.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity 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.

7.5 Other issues:

7.5.1 The appellant notes that alterations to widen the vehicular entrance include removal of part of the existing wall and that the applicant does not have the legal entitlement

to do so. In addition, the appellant notes that the alterations would destabilise the existing wall adjoining her property. Firstly, I would note that the issue regarding legal entitlement to alter the wall is a civil matter and the onus is on the applicant to ensure they have adequate control over the site to carry out works. Secondly, I would note that the nature of works proposed should be feasible without causing damage to the structural integrity of the boundaries of the adjoining property, notwithstanding such the onus is on the applicant to ensure such and deal with such if it arises, it is not a reason or grounds for precluding development in this case

8.0 Recommendation

8.1 I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the current Dún 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, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:

(a) the proposed entrance shall be located centrally on the road frontage and shall be at least 3.5m in width.

(b) the sliding gate shall be manually operated with no automatic gate to be installed.

(c) The front boundary wall shall be no more than 1.1m in height for at least a distance of 1m each side of the vehicular entrance.

A full set of revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety.

3. 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 noise management measures and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 property in the vicinity.

5. Water supply and drainage arrangements, including the 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.

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 developer'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 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.

Colin McBride
Planning Inspector

06th November 2017