



An
Bord
Pleanála

Inspector's Report PL06D.249034

Development	Partial demolition of extension to dwelling, extensions to the dwelling & construction of new dwelling.
Location	Arklow House, Granville Park & Newtownpark Avenue, Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D17A/0298.
Applicant	Horia Savin.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party
Appellant	Mr. & Mrs. Peter Lowry.
Observers	none.
Date of Site Inspection	12/10/17
Inspector	Siobhan Carroll.

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.089 hectares is located at the corner of Granville Park & Newtownpark Avenue, Blackrock in south County Dublin. This is a mature residential area comprising dwellings of various styles, ages and designs. Newtownpark Avenue is a Regional road (R113) which links the Stradbroke Road to the east and the Stillorgan Road (N11) to the west. The 114 bus serves Newtownpark Avenue and the site is circa 500m from the N11 QBC.
- 1.2. The subject site contains 'Arklow House' a two-storey and detached dwelling with a floor area of 168sq m. The property is served by gated vehicular accesses off Granville Park & Newtownpark Avenue. The site is bounded by dwellings to the south and west. The adjacent property to the south No. 1 Granville Park is set back 5m from the site boundary. The western boundary adjoins the property 'Wharfendale' a detached two-storey dwelling. The southern and western site boundaries are formed by walls with mature trees and hedges. The roadside boundaries are formed by a low capped wall and with hedging and high mature trees.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - (i) partial demolition of a single storey extension to front/side,
 - (ii) first floor extension to front/side, single storey extension to rear of existing dwelling and
 - (iii) construction of a new detached two storey, three bedroomed dwelling to the side together with all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 12 no. conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the planning authority. During consideration of the application, the Planning Officer noted the following:

- The existing access off Newtownpark Avenue will serve House 1.
- The existing access off Granville Park will serve House 2.
- In relation to the proposed design of House 2 the bulk and massing is broken up at its principle elevations by the use of breakfronts and projections.
- There are no directly opposing first floor rear windows in respect of the proposed development and the adjacent properties in Granville Park to the north-east and south-west.
- The further information in relation to surface drainage matters was satisfactorily addressed.
- The further information in relation to the relocation of the front boundary, the increase in width of the vehicular entrance off Granville Park and the revised car parking layout was considered acceptable.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – No objection

3.4. **Third Party Observations**

The Planning Authority received one submission/observation in relation to the proposed development. The main issues raised are similar to those set out in the third party appeal.

4.0 Planning History

Reg. Ref. D16A/0811 – permission was refused for the demolition of existing 4 bedroomed detached two storey house with attached garage and to construct 2 no. new 5 bedroomed detached two and a half storey houses with dormer to rear and all associated site works.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4(v) refers to Corner/Side Garden Sites

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by O'Neill Planning and Development Consultants on behalf of Mr. & Mrs. Peter Lowry. The content of the appeal can summarised are follows;

- Proposed new house has been designed to address Granville Park. It is considered that the proposed new dwellings due to their design, scale, bulk and massing particularly at the north-east facing gable addressing Granville Park would appear incongruous in the streetscape.
- The proposed design is considered out of character and that it would be visually overbearing and obtrusive when viewed from the public realm and adjacent properties.
- The applicant failed to submit a tree survey or comprehensive landscape plan.

- The new dwelling would extend out beyond the rear building line of the adjoining dwelling to the south-west by circa 6m. The proposed new development would appear visually overbearing and obtrusive when viewed from the adjoining properties to the south-west and would therefore seriously injure the residential amenities of those properties.
- The previous decision of the Planning Authority in relation to the site is noted where under Reg. Ref. D16A/0811 permission was refused for the demolition of the existing detached two storey house and for the construction of 2 no. detached two and a half storey houses. The appellants contend that the reasons for refusal issued under that application have not been satisfactorily overcome under the current application.
- The appellants acknowledge that while the scale of the two dwellings has been substantially reduced, however the main concern of the Planning Authority referred to the north-east facing gable addressing Granville Park.
- The proposed new dwelling is still considered an incongruous insertion into the streetscape at this prominent location. The appellants note the provisions of Section 8.2.3.4 (vii) of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 which refer to infill development. This section of the Plan states that *new infill development should respect the height and massing of existing residential units and retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings.*
- The appellants cite the proximity of the proposed new house to the existing extended house with a separation distance of 1.2m provided. It is considered that due to the scale, proximity and design that the proposed dwelling would have an overbearing impact and overshadow the existing extended property.
- It is also stated that the proposed development does not adequately take into consideration the location of the appellant's property in terms of their building line and the impact on the character and pattern of development in the area.

- It is considered that any arguments for an increase in density cannot be sustained due to the absence of public transport hubs close to the site.
- The appellants request that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal was submitted by Vincent JP Farry & Co. Ltd on behalf of the applicant Mr. Horia Savin. The contents of the submission can be summarised as follows;

- Under Reg. Ref. D16A/0811 permission was sought for the demolition of the existing house on site and the construction of two new dwellings. The Planning Authority refused permission on the basis that the design and scale of the development would negatively impact the residential amenity of the area.
- The applicant has made a new application to address the refusal issued.
- There is a need for infill housing development in accordance with the principles of sustainability.
- The applicant disagrees with the statement by the appellants that '*the development would be an incongruous insertion into the streetscape...when viewed from the public realm.*' The proposed scheme would serve to reinforce the strength of the corner in urban design terms.
- Regarding the appellants' suggestion that a detailed tree survey and assessment be provided, it is considered that the vegetation on site is not of arboreal or amenity value and therefore it is not necessary to carry out a tree survey.
- It is stated in the appeal that *the proposed development does not take adequate consideration of our clients' 'adjoining residential property'*, however the manner in which the dwelling would be affected was not identified in the appeal.

- Having regard to the siting and design of the proposed development relative to the appellants home it is not considered that the property would be affected in terms of overlooking, overshadowing or visual intrusion.
- The potential impact of the proposed development on the neighbouring property to the south-west was raised in the appeal. However, it is noted that the owner of that property did not raise any objections to the proposal.
- The applicant requests that the Board uphold the decision of the Planning Authority and grant permission.

6.3. Planning Authority Response

- The site is in a well serviced location. The proposed development is considered acceptable in terms of its size, layout and design.
- The proposed development will not have serious negative impacts on the adjoining properties or on the streetscape.
- The proposed remodelling of the existing dwelling would result in a property with relatively large bulk. This is similar to the width and bulk of the immediately adjacent dwellings which also front onto Newtownpark Avenue.
- The Board is also referred to the Planner's report for further details.

7.0 Assessment

- 7.1. The proposed development involves the partial demolition of a 2.3sq m extension to the existing two-storey detached dwelling on site with first floor extension to front/side, single storey extension to rear of existing dwelling and the construction of a new two-storey detached dwelling with an area of circa 200sq m.
- 7.2. In relation to the proposed extensions/alterations to the existing dwelling it includes the construction of a pitched roof in place of the existing hipped roof. A 19sq m ground floor extension is proposed to the rear of the dwelling to provide a lounge with internal alterations also proposed to the ground and first floor layout. At first floor it is proposed to construct a 12sq m extension to the south-eastern corner of the dwelling to accommodate bedroom 3. The main discernible change to the

appearance of the dwelling is the roof profile. The front of the dwelling addresses Newtownpark Avenue. I note that there are both a mix of house types and design along Newtownpark Avenue in the vicinity of the site including dormer dwellings along the northern side of the road and two-storey detached dwelling with both hipped and pitched roof profiles along the southern side of the road. Accordingly, having regard to the variation in the streetscape in terms of roof profiles, I consider the proposed pitched roof is acceptable. Furthermore, having regard to the relatively limited size and scale of the proposed extensions to the existing dwelling, I consider the proposals are visually acceptable. In relation to potential impact on the residential amenities of adjoining properties, I consider having regard to the separation distance between the dwelling and closest neighbouring dwellings to the south and south-west that the development will not impact upon existing residential amenities of the adjoining properties.

- 7.3. The appellants have specifically expressed concern regarding the proposed new dwelling. They considered that due to its design, scale, bulk and massing particularly at the north-east facing gable addressing Granville Park that it would negatively impact upon the design character of the area and that it would appear incongruous in the streetscape.
- 7.4. The appeal site is a corner site in a mature residential area. Section 8.2.3.4 v of the Development Plan which refers to Corner/Side garden sites it states applications will be assessed having regard to size, design, layout relationship with the existing dwelling and immediately adjacent properties, development Plan standards car parking for existing and proposed dwellings and private open space for existing and proposed dwellings.
- 7.5. In terms of its design character the proposed dwelling has a ridge height of circa 9.3m which is in line with the existing dwelling on site and marginally higher than the dwelling 'Wharendale' to the west. Due to the site configuration the new dwelling has long rectangular shape with a maximum depth of 18m and a maximum width of 6.2m.
- 7.6. The front of the proposed dwelling addresses Granville Park and the façade extends for 13m. There is reasonable variety in the elevational treatment with a gable feature to the centre which marginally projects forward from the main building line. This

elevation also has variety with use of smaller first floor windows and the mix of finishes with the brick work and breakfronts. Therefore, I am of the opinion that the proposed front elevation would not appear unduly bulky when viewed from the surrounding public roads. Accordingly, I am satisfied that the proposed development would not impact upon the visual amenity and the design character of the area.

- 7.7. In relation to the issues of overshadowing and overlooking referred to in the appeal, having regard to the siting and design of the proposed dwelling and separation distances of over 30m to the closest dwelling to the south and 25m to the closest dwelling to the east, I am satisfied that there would not be any undue overlooking or overshadowing of the existing surrounding development. Furthermore, having regard to the siting and design of the proposed new dwelling I do not consider that it would overshadow or have an overbearing impact upon the existing dwelling on site.
- 7.8. Section 8.2.8.4 (i) refers to private open space. The minimum required private open space for the new dwelling with three bedrooms 60sq m, while four bedroom dwellings require a minimum of 75sq m. The Development Plan requirement for minimum rear garden depth is 11 metres. The proposed layout provides the rear garden with a minimum depth of 22m to the boundary to the south. The proposed area of the rear gardens is circa 211sq m for the existing dwelling and 196sq m for the new dwelling which are well in excess of the required 60sq m for the three bedroomed dwelling and the required 75sq m for the four bedroomed dwelling. The private open space provision for both existing and proposed dwellings are in accordance with Development Plan requirements. Accordingly, a satisfactory level of private amenity space has been provided for both dwellings.
- 7.9. The appellants have referred to the requirement for a tree survey of the site. In relation to this I note that there are no Tree Preservation Orders on the site. While the proposed development would necessitate the removal of some of the boundary trees and hedgerow as indicated on the submitted block plan it is proposed to retain hedgerow and trees to the southern half of the site.
- 7.10. Table 8.2.3 of the Development Plan refers to Residential land use car parking standards. It is required under the Development plan that for a three bedroom dwelling that a minimum of 2 no. car parking space be provided. Two on-site car parking spaces are provided to the front of the new dwelling with the provision of the

car parking also the front of the existing dwelling. As part of the further information the applicant submitted revised plans indicating that there is sufficient space available to the front of the new house for cars to carry out turning manoeuvres within the site to reverse into the two parking spaces. Accordingly, a satisfactory level of car parking has been provided.

- 7.11. In relation to the matter of appropriate assessment, I consider that having regard to the nature and scale of the proposed development within a serviced urban area and separation 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would be acceptable in terms of visual impact, and would otherwise be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. 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 19th day of June 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.

Reason: In the interest of public health.

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. Site development and building works shall be carried out only 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 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. 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.

Siobhan Carroll
Planning Inspector

24th October 2017