



An
Bord
Pleanála

Inspector's Report

PL06D.249113

Development	Modifications to planning permission Reg. Ref. D13A/0490.
Location	Former Taney Nurseries and 8 Taney Road, Dundrum, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0513
Applicant(s)	Duff and Phelbs (Ireland Ltd.)
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	Third Party
Appellant(s)	1. Helen and Neil McCarthy 2. Marilyn and Alan Kron 3. Florian Mayer
Observer(s)	1. R.N. Ellis and M.C. Ellis 2. William Fleming 3. Morna Gannon 4. Denis Mongan

5. Geraldine and Susan Reardon

Date of Site Inspection

28th November 2017

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on Taney Road, Dundrum in Dublin 14 and has an area of 0.71 ha. It comprises the site of the former Taney Nurseries. The site is surrounded by a mature residential developments of mixed designs. The general pattern of development in the vicinity is suburban and low density. On the day of inspection, there was a lot of construction activity on the site which comprised of clearing out the overgrown parts of the site and groundworks.
- 1.2. Two additional plots of land are outlined in blue on the site layout plan. These comprise of a separate access on Taney Road and a semi-detached two storey dwelling at No. 8 Taney Road together with lands to the rear of this.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 25 No. houses on a smaller site than previously proposed under D13A/0490/ABP PL06D.242786. There are only very minor changes to the original layout save for a change from a terrace of 4 No. dwellings and 2 No. detached houses in the eastern part of the site to 3 No. detached and 2 No. semi-detached dwellings at this location.
- 2.2. Changes are proposed to the design of permitted house type A, A1, A2, A3, B, B1, F and F1 House Types with the 4- bed, detached types increased from c.130 square metres to c. 165 square metres; the 4- bed detached A1/A2 types increased from c.145/152 square metres to c.185/192 square metres respectively; the 4-bed semi-detached B/B1 types increased from c.133/144 square metres to c.148.5/164 square metres respectively; and the 4-bed detached F/ F1 types increased from c. 128 to c. 155 square metres. All house types now proposed are 3 storey in height. House Type C previously proposed has been omitted.

3.0 Planning Authority Decision

3.1. Decision

Split Decision: To Refuse Permission for the reconfiguration of the layout which would reduce the density of the overall development to 29 dwellings per hectare as it was considered that this was wasteful of serviced land and contrary to the Development Plan and the DoEHLG Guidelines.

To Grant Permission subject to conditions for the modifications to units. The following condition is of note:

Condition 2: The proposed reduction in density would materially contravene Policy RES3 'Residential Density' of the Dun Laoghaire Rathdown County Development Plan (2016-2022) and Section 5.8 of the Sustainable Residential Development in Urban Areas (DoEHLG 2009). In this regard, the modifications proposed in the area highlighted by the 'revisions cloud' on Drawing Number XT-D 450-002 (Proposed Site Layout), shall not form part of this permission and the layout and unit design at this location shall be retained as per that permitted under D13A/0490, unless modified by a separate planning permission or by An Bord Pleanála on appeal. All external finishes to harmonise in colour and texture with the existing premises.

3.2. Planning Authority Reports

3.2.1. Planning Report

- A total of 11 No. submissions were received by the Planning Authority.
- It noted that the overall height increases could be accommodated on the site and will not be visible from the street and the site is set back well from Taney Road.
- It noted the separation distances and considered that no overlooking will occur.
- Concern was expressed in relation to the low density of the site.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to conditions.

Drainage: Requires Further Information.

Housing: No objection subject to conditions.

3.3. Prescribed Bodies

- No reports received.

4.0 Planning History

4.1 There is an extensive planning history on the site which is summarised in the planner's report. I consider that the history most relevant to this application is as follows:

PA 17A/0747:

Current Application- F.I. Response received by Planning Authority - 27/11/17.

Permission sought for modifications to PA Reg. Ref. D13A/0490 (ABP Ref. PL06D.242786) as follows: Demolition of 2 storey semi-detached house and construction of a 3 storey house plus 2 bed granny flat. Revision to permitted design of No. 8 Taney Road from 2 storey semi-detached house to 3 storey detached house. Revision to 2 No. permitted House Type E (2 storey) to 1 No. House Type E1 (3 storey) and 1 No. House Type D1 (3 storey). Revised design to 2 No. permitted House Type D units (3 storey) to 1 No. House Type D1 and 1 No. House Type D2 (3 storey) together with all associated site works.

PA D13A/0490/ ABP Ref. PL06D242786

Permission refused by PA for 30 houses on a larger site which includes No. 8 Taney Road and lands to the rear of same for 30 houses and alterations and extensions to No. 8 Taney Road. Reason for refusal related to low density on a site within 500m of a public transport interchange (Dublin Bus and Luas) and a Major Town Centre. Permission granted on appeal to the Board.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.1.2 The subject site is zoned A: *“To protect and/or improve residential amenity.”* The principle of residential development is acceptable under this zoning objective.

5.1.3 Policy RES3: It is Council policy to generally promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing

6.0 The Appeal

6.1. **The three third party appeals (Helen and Neil McCarthy, Marilyn and Alan Kron, Florian Mayer) can be summarised as follows:**

- Concerns regarding impact on residential amenity- overlooking and overshadowing.

- Noted that the application is being lodged with a concurrent development with the second development replacing 4 houses with 6 houses. Inspector is asked to clarify that no changes can occur outside the red lined site boundary of the current site.
- Concerns regarding design, height, bulk and excessive length of houses.
- Gable wall of Type 2A house is too close to the boundary and does not take the 10 foot extension of No. 53 Taney Rise into account.
- The modifications do nothing to increase the density on the site.

6.2. Applicant Response

- The increase in height is acceptable having regard to the separation distances.
- It is considered that overshadowing and loss of light will not be significant at this location.
- The overall length of House Type A remains unchanged and the separation distances between houses will reduce any overbearing impact.
- Planting is proposed in the north eastern corner of the site.
- Even taking the extension of No. 53 into account, the separation distance is approximately 15m between the existing dwelling and proposed development.
- The upper floor windows of house type A2 serve a bathroom and ensuite as previously permitted and obscure glazing is proposed.
- The 22m separation distance is not relevant when one of the properties faces side onto the other dwelling.

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

The five observations submitted (**Geradine and Susan Reardon, Denis Mongan, Morna Gannon, William Fleming, R.N. and M.C. Ellis**) can be summarised as follows:

- Concerns regarding design.
- Overlooking and impact on residential amenity.
- Height not in keeping with existing development in the area.
- No consistency with the newly permitted scheme on the site behind Taney Nurseries which is two storey in height.
- The Development Plan states that generally all 'Backland Development' should be single storey to avoid issues of overlooking.

7.0 Assessment

The main issues are those raised in the appeals and observations and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and Height
- Overlooking and impact on residential amenity
- Density
- Appropriate Assessment

7.1 Design and Height

7.1.1 The principle concern raised by the appellants and observers relates to the design and height of the proposed three storey dwellings. It is considered that these are incongruous with the existing dwellings in the vicinity.

7.1.2 Taney Road is characterised by a wide range of architectural styles and finishes. A number of the observations and objectors live in low profile dormer bungalows in Taney Rise to the east of the development. Whilst the existing dwellings are attractive and well maintained, it is not considered that the area has any particularly sensitive architectural character or identity. The area is not designated an Architectural Conservation Area and has not been identified as an area with any particular significant architectural attributes or sensitivity in the current Development Plan.

7.1.3 Whilst I note that House Types B and B1 previously proposed were 3 storey, the majority of the houses previously proposed were 2 storey with ridge heights of between c. 7.5m and 7.8m. The modifications propose that all house types are three storey with ridge heights between 9.25m and 10.5m.

7.1.4 I consider that the existing pattern of low density low profile dormer bungalows and low density one off dwellings is not a pattern which is sustainable to replicate. There is a wide variety of house types in the area and I consider that the house types proposed are modern and contemporary and more suitable to modern family living. I note that information submitted with the application suggested potential problems of water ingress with the flat roof elements of permitted B and B1 house types. It was also considered that the floor to ceiling heights at ground floor was considered too low and has now been increased to 2.6m.

7.1.5 In terms of the revised designs and height, I am of the view that the design has been well considered and the alterations proposed are appropriate, are not unduly prominent and will not result in visual disharmony with adjacent dwellings.

7.2 Impact on Residential Amenity

7.2.1 The appellants and observers object to the development on the basis that it will cause overlooking and overshadowing. Concern is also expressed in relation to impact on privacy and screen planting.

7.2.2 I note that what is proposed in this development is modifications to an existing permitted scheme. The layout and orientation of the dwellings has been decided under the parent permission and I consider it to be very similar to the permitted scheme. I draw the attention of the Board to a dashed purple line on the site layout plan which illustrates the outline of the permitted development. The main concern therefore relates to the additional height proposed. I note that third floor bedrooms are lit by velux rooflights only and there are no windows which could therefore give rise to additional overlooking. I note that Helen and Neil McCarthy expressed concern in relation to House Type A3 in the north western corner of the site less than a metre from their garden. There are 2 No. windows in the side elevation closest to their property- a bathroom and an ensuite window and I note from the appeal response that it is proposed to use obscure glazing in these windows. In this context it is not considered that any undue overlooking will occur. Marilyn and Alan Kron

expressed concern in relation to House Type A2 and proximity to their extended dwelling at No. 53 Taney Rise. Similarly, the upper floor side windows serve a bathroom and ensuite and obscure glazing is proposed. In this context, it is not considered that any undue overlooking will occur.

7.2.3 In terms of the concerns regarding overshadowing, I refer to Section 3.3 of the BRE Guidelines- Site Planning for Daylight and Sunlight: A Guide to Good Practice (Building Research Establishment, 2011. The Guidelines make recommendations on the levels of sunlight reaching private amenity spaces. Section 3.3.17 states 'It is recommended that for it to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on 21st March.

7.2.4 Having regard to the layout and orientation of the site and the very generous separation distances between the proposed development and existing dwellings in the vicinity, I am satisfied that the proposed development would give rise to undue overlooking or overshadowing to adjacent properties or detract to an undue degree from existing privacy levels.

7.3 Density

7.3.1 I note that the case has been made in both the planner's report on this application and the report of the Inspector on the previous appeal PL06D.242786 that the density is too low. Paragraph 10.6 of the Inspector's report on this case is as follows:

'This is a serviced, residentially zoned site within walking distance of significant public transportation infrastructure such as the Luas and Dublin Bus services. It is within walking distance of Dundrum historic village centre and the (relatively) new Dundrum Shopping Centre. It is within walking distance of schools, places of worship, places of employment and other amenities. The density of development proposed represents an inefficient, wasteful and unsustainable use of serviced land, land that has been serviced, and amenities that have been provided, at great expense to the public exchequer. To revert to this typology of low density suburban type sprawl would be contrary to the proper planning and sustainable development of the area.'

7.3.2 I strongly agree with the views of both the planning officer and the Inspector in relation to density, however the Board has permitted a low density scheme on the

site. The new layout is very similar to that permitted but it is reduced by 1 dwelling on a smaller site. The density granted on the site was 30 houses on a 0.98 hectare site. The density now proposed is 25 dwellings on a site of 0.71 hectare site. There is a concurrent application for the part of the site omitted from the original plot and this now includes a larger plot including the other semi-detached dwelling at No. 6 Taney Road. In addition, permission is sought for 6 No. houses as opposed to the 4 No. houses originally granted on this part of the site. The appeal from Helen and Neil McCarthy asks the Inspector to clarify that no changes can occur outside the site plot as outlined in red in the application. I can clarify that this appeal relates only to the site outlined in red and that the concurrent application has not yet been decided by the Planning Authority.

7.3.3 I note the split decision by the Planning Authority which refuses the reconfiguration of the layout as it would result in the loss of one dwelling to 29 dwellings per hectare. Having regard to the reduced site area, the actual density now proposed is 35 per hectare which is an increase on the scheme that was granted by the Board in April 2014. As the appellants and observers have pointed out, the modifications to three storey will do nothing to increase the density on the site. The layout and low density were deemed acceptable previously. The current application will actually increase the density on the reduced site area that is currently before the Board. As such, I consider that the application should be fully granted in accordance with the new layout and do not agree with the split decision of the planning authority having regard to the circumstances outlined above.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development, modifications to an existing permitted residential development within an established urban area, and its 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, the planning history of the site, the location of the site in an established residential area and its zoning for residential purposes 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. The proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. Save for amendments granted on foot of this permission modifications to the approved dwellings only, the development shall otherwise be carried out in strict accordance with the terms and conditions of Planning Permission Reg. Ref. D13A/0490 (PL.06D.242786) save as may be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. Obscure glazing shall be used in the bathroom and ensuite first floor windows in House Types A, A2, and A3.

Reason: In the interest of residential amenity.

Emer Doyle

Inspector

30th November 2017