



An  
Bord  
Pleanála

## Inspector's Report PL06D.249143

---

<b>Development</b>	Demolition of two-storey dwelling and construction of 3 no. three-storey dwellings.
<b>Location</b>	2 Ard Mhuire Park, Killiney, Co. Dublin.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown Co. Council
<b>Planning Authority Reg. Ref.</b>	D17A/0525
<b>Applicant</b>	Vincent Finnegan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	(1) Cormac & Carol Brady (2) Christine & Paul Reilly (3) Ann Watchorn (4) Matt & Sue Widdowson (5) James Bracken & Katy Dwyer (6) Joseph Cooney (7) Lorcan Meehan & Jennifer Coen

**Observers**

- (8) Richard & Del Sherriff
- (1) Davitt and Fiona Drohan
- (2) Andrew O'Donnell
- (3) John H & Marie Therese  
McConnell
- (4) Dalkey Community Council
- (5) Mary & Brendan O'Connor
- (6) Arthur Cagney
- (7) Anne Phelan & James Geraghty

**Date of Site Inspection**

23/11/17

**Inspector**

Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0784 hectares is located at Ard Mhuire Park, Killiney in south County Dublin. This is a mature residential area comprising predominately detached and semi-detached dwellings built in the 1950's. Ard Mhuire Park is a cul-de-sac located to the western side of Dalkey Avenue. Killiney Hill Park is located to east of Dalkey Avenue. The site is situated circa 950m from Dalkey Village.
- 1.2. The subject site contains a large two-storey and detached dwelling with a floor area of 176sq m. The site is bounded by dwellings to the east, west and south. The adjacent property to the east 'Windward' is set back a minimum of 2m from the site boundary. The western boundary adjoins the no. 4 Ard Mhuire Park a semi-detached two-storey dwelling. The adjacent dwelling to the south-east 'Annaghlake' is situated at the closest point 2m from the site boundary. The ground level of the 'Annaghlake' is circa 1.3m higher than the appeal site.
- 1.3. The southern and western site boundaries are formed by a mature hedge. The hedge along the western boundary is dense and has a depth of circa 2m. The roadside boundary is defined by a low capped wall.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following;
  - (i) Demolition of two-storey detached dwelling and garage
  - (ii) Construction of 3 no. three-storey dwellings within a terrace block. Each dwelling with a floor area of 194sq m.
  - (iii) Two new vehicular entrances

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Permission was granted subject to 19 no. conditions.
- 3.1.2. Condition no. 3 specifies that no exempted development shall be carried out.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The report of the Planning Officer reflects the decision of the planning authority.

#### **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**

- 3.4.1. The Planning Authority received 12 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the third party appeals and the observations to the appeals.

## **4.0 Planning History**

Reg. Ref. D09A/0072 & PL06D.233847 – Permission was granted for the demolition of house and garage and construction of 2 no. houses, both with entrance gates, new boundaries and all associated site works.

Reg. Ref. D07A/1462 & PL06D.228417 – Permission was granted by the Planning Authority and refused on appeal for the demolition of the garage and the construction

of a new dwelling. Permission was refused on the basis that the proposed development required retaining walls which were considered visually obtrusive and that the development would seriously injure the visual amenities of the area and of property in the vicinity.

Reg. Ref. D07A/0826 – Permission was refused for the demolition of the garage and construction of two-storey over garden level 4 bedroomed detached house.

Permission was refused for two reasons. Firstly, on that basis that the proposed design was out of character with the surrounding development and therefore would seriously injure the residential and visual amenity of the area. Secondly, that proposed development by reason of its inadequate rear garden would constitute overdevelopment of the site and the proposed development would also cause excessive overlooking of properties to the rear.

## **5.0 Policy Context**

### **5.1. Development Plan**

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

5.1.2. The site is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.

5.1.3. Chapter 8 – Principle of Development

5.1.4. Section 8.2.3 – refers to Residential Development

### **5.2. Natural Heritage Designations**

5.2.1. None applicable

## **6.0 The Appeal**

### **6.1. Grounds of Appeals**

The Board received 8 no. third party appeals.

(1) Cormac & Carol Brady

- The previous planning history on the site is noted. Under Reg. Ref. D07A/1462 & PL06D.228417 permission was refused for a three-storey design on the basis that it did not adequately integrate into the streetscape.
- Under Reg. Ref. D09A/0072 & PL06D.233847 permission was granted for the 2 no. houses on the site. It was stated in the Planner's report that the reasons for refusal of the Board had been addressed with the reduction in the height of the dwellings by omitting the third floor element.
- The proposed three-storey dwellings situated in close proximity to the site boundaries would have an overbearing impact on the neighbouring properties.
- It is considered that the proposed elevations are not correctly proportioned in the context of the adjacent buildings and therefore the development would not satisfactorily integrate into the existing streetscape. The development would be visually obtrusive and constitute overdevelopment of the site.
- Section 3.4 of the Building Height Strategy, Appendix 9 of the Development Plan refers to policy for residual suburban areas not included within cumulative areas of control. Ard Mhuire Park is an area covered by the policy.
- Regarding suburban areas, it is stated that in general heights of two-storeys will apply. The policy allows for 'upward or downward modifiers'. It is not considered that the site would meet any of the upward modifier criteria and that the proposed three-storey development is out of character with the two-storey dwellings in Ard Mhuire Park.
- The front and rear building lines of the three dwellings would be at variance with the established front and rear building lines of the adjoining properties. They would be 1.9m forward of no. 4 Ard Mhuire Park to the west and 2.5m forward of Windward to the east. The development therefore could not be considered consistent with established building lines.
- Regarding private open space it is considered that the areas stated in the Planner's report and the applicant's planning report are inaccurate. It is contended that House A has a rear garden of 64.4sq m, House B has 60.98sq m and House C has 57.85sq m. All of which falls short of the

required 75sq m for four bedroom houses as set out in the Development Plan.

- The proposed development would cause overlooking of the dwelling 'Annaghlake' to the rear. The dwelling 'Windward' would be overlooked by the proposed second and third floor rear windows. The dwellings would also cause overshadowing and would have an overbearing impact.
- Section 8.2.3.2(v) of the Development Plan refers to refuse storage and services. It requires that the location and design of bin storage areas for each dwelling is indicated. The submitted plans did not provide these details.
- The site is located 40m from the junction with Dalkey Avenue and close to a bend in the road where there is a 3.5m high wall which restricts visibility. The Planning Authority has attempted to address the matter with condition no. 6 which requires that the new vehicular entrances be located in the centre of their front boundaries. However, this would result in the entrance to House no. 2A being located 3m from the high wall of 'Windward' and therefore adequate sightlines cannot be provided.
- The development would result in an increase in vehicular movements to and from the site by an average of 16 no. movements per day. Notwithstanding the provision of two car parking spaces on each site the development would give rise to a reduction in available on-street parking in an area which experiences parking along the roadway. The development would increase traffic and turning movements on the narrow roadway which would constitute a traffic hazard.
- It is highlighted that foul and surface water drainage in the area is a matter of great concern.
- It is considered that there is no technical assessment of the proposed new foul drainage connection and that the applicant has not demonstrated that the proposals to dispose of all surface water to the three soakaways to the front of each dwelling would be adequate to serve the scheme.
- Condition no. 5 as attached by the Planning Authority does not adequately address the matter of surface water drainage.

- The appellants request that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

(2) Christine & Paul Reilly

- The proposed development would appear visually overbearing and out of character with the existing houses.
- Due to the limited width of the site the building line of the proposed dwellings was brought forward.
- Section 8.2.3.2(ii) of the Development Plan refers to residential development and states that higher density development will not be appropriate in every circumstance. The appellants state that higher densities should have regard to surrounding dwellings and it should be achieved in tandem with protecting the existing amenities of the area.
- It is noted that the Bord previously refused full three-storey house on the site as it was considered visually obtrusive.
- The development would cause overlooking from the large balconies proposed to the front and rear of the dwellings.
- The proposed scheme represents overdevelopment of the site.
- Insufficient private amenity space has been proposed to serve the 3 no. four bedroom dwellings. The area of the proposed rear gardens does not take into consideration the existing deep hedge that is to be retained.
- The submitted drawings do not adequately indicate the proposed bin storage areas.
- Inadequate separation distances have been provided between opposing first floor windows in accordance with Development Plan requirements.
- Ard Mhuire Park experiences congestion due to the lack of available parking. The proposed development will increase traffic and add to these difficulties.
- The location of the proposed vehicular entrances close to a bend in the road combined with the existing on-street parking would lead to a traffic hazard.
- The appellants raised concerns in relation to the existing foul sewer which they state has been blocked and overflowed previously. The additional houses would exacerbate this problem.



- Insufficient detail has been provided in relation to the colour and finishes to the proposed dwellings.
- The appellants request that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

(3) Ann Watchorn

- The appellant is the owner and occupier of 'Annaghlake', Dalkey Avenue, which shares a boundary with the site.
- The proposed scheme represents significant overdevelopment of the site. The rear wall of House 2A would be located closer to the shared boundary than the existing house.
- The proposed design of the scheme is completely out of character with the housing in the cul-de-sac which was built in the 1950's. Three-storey flat roof dwellings would appear completely incongruous in the streetscape.
- Overlooking will result from the rear windows and balconies. The existing mature hedging would mitigate some overlooking. However, once the properties are sold the hedging could be removed.
- The proposed development could result in the loss of the existing hedge which has been in place for over 40 years. It is circa 2m in depth. It would reduce the area of available amenity space to the rear proposed dwellings.
- The ground level of 'Annaghlake' is 1.3m higher than the appeal site. If the hedge were removed a retained wall would be required in its place.
- The development would increase traffic on the cul-de-sac, which already experiences congestion due to on-street parking. The proximity of the proposed vehicular entrances to the bend in the road is considered a traffic hazard to vehicular and pedestrian movements.
- The proposed drainage arrangements do not take into account the current situation from 'Annaghlake' and other properties on Dalkey Avenue. Foul drainage passes from the appellant's property east into dwelling 'Windward' and then left into the front garden of no. 2 Ard Mhuire Park, the appeal site. This foul drainage layout has not been detailed in the application and no explanation of alternative drainage arrangements have been provided.

- The appellants request that the Board overturn the decision of the Planning Authority and refuse permission for the reasons set out in the appeal.

#### (4) Matt & Sue Widdowson

- The appeal was prepared by MacCabe Durney Barnes on behalf of the appellants.
- The proposed development would represent a gross overdevelopment of the site. There are restricted depths to the proposed rear gardens and the site is constrained by the historical layout where No. 2 Ard Mhuire Park has a significantly shorter depth than the neighbouring houses to the west.
- The areas of private open space serving the houses have been calculated incorrectly using side passageways and unuseable spaces which as per Section 8.2.8.4 of the Development Plan should not be included in calculations. The areas of private amenity space for each dwelling have been calculated as follows, 64.9sq m for house 2A, 60.7sq m for house 2B and 60.4sq m for house 2C.
- The submitted plans do not illustrate the location of the proposed bin storage areas. The existing mature hedge to be retained will reduce the available usable area within the gardens.
- Inadequate separation distances have been provided between the proposed dwellings and neighbouring opposing first floor windows.
- The proposed private open space does not adequately take into account the depth of the hedge to be retained on the site.
- The Planning Authority attached a condition to which restricts exempted development provisions. The imposition of the condition reduces the flexibility required for a family home.
- The proposed development would cause overshadowing of the appellant's property no. 4 Ard Mhuire Park particularly in early summer mornings.
- The proposed development has large windows to the rear southern elevation. Concern is raised that overlooking would occur due to the use of proposed thermally broken glazing.

- Inadequate separation has been provided between the propose development and no. 4 Ard Mhuire Park.
- Concern is raised in relation to potential damage to the appellant's property as a result of the proposed development.
- The height of the proposed development at three-storeys is incongruous and out of character with the existing houses.
- The proposed development would have a very negative visual impact upon the front boundary as it would provide access for six vehicles. It appears that the bulk of the front garden will be devoted to car parking.
- The appellants are concerned that the proposed development would lead to drainage problems within the estate. The proposed development will create an additional load on a system which has been experiencing blockages and leaks.
- Regarding surface water drainage the proposed development will reduce the permeable areas considerably on site. Soak pits are proposed to the front parking spaces. One is located close to the boundary with no. 4 and no details have been provided in relation to the type of soil or subsoil on site.
- It is requested that the Board take into consideration the issues raised in the appeal and refuse permission.

(5) James Bracken & Katy Dwyer

- The proposed development would be out of character with the area and the construction of 3 no. three-storey houses would represent overdevelopment of the site.
- The proposed scheme would negatively impact the visual amenity of the area. The proposed dwellings are considered to be overbearing and out of scale with the neighbouring two-storey houses.
- The development would be set forward of the existing front building line and consequently the car parking area would be located further forward than the surrounding development.

- The issue of drainage is raised. It is noted that in the course of assessing a previous application on the site (Reg. Ref. D07A/1462) an investigation was carried out by Dún Laoghaire-Rathdown Co. Council drainage department to determine foul drainage flows from no. 2 Ard Mhuire Park. It was determined that foul drainage flows from no. 2 to the rear of no. 4 and into the rear garden of no. 6 to a collector manhole. Then, it flows through the front gardens of houses to no. 12 where it connects to a combined manhole that flows through the rear garden of no. 25 then onto Saval Park Crescent.
- The appellants state that from their own investigations that foul drainage travels through front gardens from no. 4 to no. 6. The proposed development would intensify the foul drainage load onto an existing overloaded system.
- Regarding surface water drainage it is stated that the cul-de-sac has previously been flooded during intensive rainfall events. The proposed development would considerably reduce the level of permeable areas on the site. The information provided regarding soak pits is inadequate.
- The development will increase vehicular traffic. While two car parking spaces are provided per dwelling this is not considered sufficient to serve the four bedroom dwellings. Additional parking would add to the congestion within the cul-de-sac and parking close to the junction with Dalkey Avenue and the bend in the road would cause a traffic hazard.
- 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) Joseph Cooney

- The content of the appeal submitted by MacCabe Durney Barnes on behalf of Joseph Cooney is similar to that which they submitted on behalf of Matt & Sue Widdowson.
- The matters raised which are specific to the appellant Mr. Cooney who resides at 'Windward', Dalkey Avenue are as follows;
- 'Windward' is situated immediately to the east of the site. The existing dwelling no. 2 Ard Mhuire Park is set back from 'Windward'.

- It is noted that the existing permission for a pair of semi-detached houses on the site is extant until mid 2019.
- The first floor element of the proposed scheme would only be 1.3m from the boundary of 'Windward'.
- 'Windward' is located on an irregular shaped corner site where the building line of the single storey part of the house fronting Ard Mhuire Park is similar to the house at no. 2 Ard Mhuire Park. Due to the corner site location 'Windward' has a small private open space area which is south-west facing. There is a larger area of open space to the front.
- The proposed development would have an overbearing impact upon 'Windward' and it would also cause significant overshadowing of the rear garden. It is noted that shadow diagrams were not submitted with the application.

(7) Lorcan Meehan & Jennifer Coen

- The proposed development would not integrate with the design character of the surrounding properties within the cul-de-sac.
- The proposed three-storey dwellings would overlook the appellant's house which is located across the road at no. 27 Ard Mhuire Park. The overlooking would be exacerbated due to the elevated nature of the site and the proposed balconies.
- The proposal would represent overdevelopment of the site.
- There have been ongoing drainage issues within Ard Mhuire Park.
- The proposed development would increase traffic and parking within the cul-de-sac which already experiences on-street parking.
- Health and safety concerns for residents were raised.
- The construction phase would have a detrimental impact upon existing residential amenities.
- Noise and air pollution would arise during the demolition and construction works.

(8) Richard & Del Sherriff

- The Council policy to provide higher density development on the site is out of character with the traditional architecture of the area.
- The proposed contemporary design including three-storeys and flat roofs would be at odds with the streetscape character which features predominately dwellings built in the 1950's.
- The proposed scheme represents overdevelopment of the site. Insufficient amenity space is provided and there is inadequate space to store bins to the front, rear and sides of the dwellings.
- Ard Mhuire Park has experienced flooding due to intensive rainfall events. Surface water runoff from the proposed development would add to this runoff. There is very little space on the site to provide for Suds.
- The existing foul sewer serving Ard Mhuire Park is overloaded. The proposed development would create additional pressures onto the system.
- Due to the siting and design of the proposed dwellings and the height of the site relative to the properties on the opposite side of the road the proposed development would overlook dwelling no's 27, 9, 11 & 13.
- The development would give rise to significant additional traffic.
- Ard Mhuire Park experiences parking generated by persons visiting Killiney Hill Park. The additional construction traffic and parking would cause congestion within the cul-de-sac.
- There are a number of unrepaired footpaths within the cul-de-sac. Further damage could be caused by construction traffic.
- It is requested that permission be refused for the reasons set out in the appeal.

## 6.2. Applicant Response

A response to the third party appeals was submitted by Hughes Planning and Development Consultants on behalf of the applicant Vincent Finnegan. The main issues raised can be summarised as follows;

- In relation to the matter of visual amenity it is noted that the Planner's report concluded that the dwellings would not be visually intrusive and would not detract from the residential amenity of adjoining properties.
- Regarding density, it is noted that policy RES3 of the Development Plan states that it is Council policy to promote higher densities provided proposals ensure a balance between protection of existing residential amenities and the established character of the area with the need to provide sustainable residential development.
- The applicant does not consider that the development would give rise to any undue overlooking. The windows to the rear elevation have been positioned to ensure that any overlooking of neighbouring properties is minimised.
- The design of the parapet level to the roof above the first floor is 1.3m in height above the second floor finished floor level, which ensures no undue overlooking from the second floor rear elevation.
- It is noted that the Planning Officer in assessing the application did not consider that undue overlooking would occur.
- No balconies are proposed as suggested by the appellants.
- Regarding overshadowing it is stated that directly adjacent dwellings are located to the east, south and west of the site. As there are no dwellings directly to the north, it is considered that no undue overshadowing would occur as a result of the proposed development.
- In relation to the issue of overbearing it is considered that the proposed contemporary design will not damage the visual amenity of the area.
- Regarding separation distances it is considered that each of the 3 no. dwellings will have sufficient separation distances with the dwellings to the rear. As stated in the Planner's report there are no houses which back onto the rear of the site and therefore the provision of 22m separation distance between directly opposing first floor windows does not apply.

- In relation to the matter of overdevelopment it is considered that 3 no. dwellings would make much more efficient use of the site while achieving all applicable Development Plan standards.
- Regarding building height, it is submitted that the proposed houses do respect the height and massing of adjacent dwellings.
- The appeals raised the issue of front building line, it is acknowledged that it would extend beyond the front of no. 4 Ard Mhuire Park. However, it is also noted that the rear building line does not extend beyond the rear building line of adjacent dwellings.
- It is noted that the proposed four bedroom dwellings should have a minimum of 75sq m of private open space. Section 8.2.8.4(i) of the Development Plan refers to private open space. It states that where an innovative design response is provided a relaxation in the quantum of private open space may be considered on a case-by-case basis. House 2A will have 78.5sq m, house 2B will have 76sq m and house 2C will have 76.5sq m.
- It is suggested in the appeals that the Planners report was inaccurate and misleading regarding garden size. It is noted that despite the rear garden depth being slightly below minimum rear depths the Planning Officer considered them acceptable.
- Regarding the proposed vehicular entrances it is stated that in order to accommodate parking on each site the existing vehicular entrance will be relocated with 2 no. new entrances provided. It is considered that satisfactory sightlines will be provided for each entrance.
- The provision of 2 no. car parking spaces per dwelling is in accordance with table 8.2.4 of the Development Plan.
- The appellants suggest that the open space calculations do not take into account the existing deep hedge to the rear of the site. It is submitted that private open space may incorporate features such as hedges. The hedge to the rear of the site adds positively to the character of the area and its retention is encouraged by the Council.



- A matter of concern raised in the appeals refers to foul and surface water drainage. The Planning Authority has thoroughly assessed the application in relation to foul and surface water drainage.
- It should be noted that 2 no. dwellings were previously granted permission on the site. Following the submission of further information a Water Services report was prepared which stated that there were no objections to the proposed foul and surface water proposals.
- The applicant considers that the issues raised by the appellants have been adequately addressed and requests that the Board have regard to the details contained in the submission and uphold the decision of the Planning Authority to grant permission.

### 6.3. Planning Authority Response

- The Board is referred to the previous Planner's report.
- The grounds of the appeal do not raise any new matters which would justify a change of attitude to the proposed development.

### 6.4. Observations

The Board received 7 no. observations from (1) Davitt and Fiona Drohan (2) Andrew O'Donnell (3) John H & Marie Therese McConnell (4) Dalkey Community Council (5) Mary & Brendan O'Connor (6) Arthur Cagney (7) Anne Phelan & James Geraghty.

The main issues raised in the Observations to the appeal are as follows;

- The proposed scheme represents overdevelopment of the site.
- The proposed three-storey houses would be out of character with the surrounding development within Ard Mhuire Park. The cul-de-sac is characterised by two-storey dwellings built in the 1950's the proposed dwellings with a modern architectural style would be visually obtrusive in the streetscape.

- The proposed dwellings would cause overlooking, overshadowing and have an overbearing impact on the neighbouring properties no. 4 Ard Mhuire Park, Windward and Annaghlak.
- The development would give rise to additional traffic which would lead to congestion within the narrow cul-de-sac. The proposed new vehicular entrances would be located close to the junction of the cul-de-sac and Dalkey Avenue which could cause a traffic hazard.
- It is highlighted that there have been recurring drainage issues at Ard Mhuire Park. Concern is raised in relation to surface water and foul drainage.
- Inadequate private open space and car parking has been provided to serve the dwellings. No details have been provided in relation to bin storage areas.
- The proposed dwellings would cause overlooking, overshadowing and have an overbearing impact on the neighbouring properties no. 4 Ard Mhuire Park, Windward and Annaghlake.
- The proposed development would set a precedent for other similar development in the area.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and in the observations submitted. 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.
- Traffic and parking
- Foul and surface water disposal.
- Appropriate assessment.

### 7.1. Visual Impact

- 7.1.1. The proposed development involves the demolition of the existing two-storey detached dwelling on site and the construction of 3 no. three-storey dwellings within a terrace block.
- 7.1.2. The proposed scheme is contemporary in design it includes a rendered external finish, flat roofs and the use of obscure glazing fitted. In relation to the proposed contemporary design of the dwellings, while I note that the housing along Ard Mhuire Park is primarily two-storey detached and semi-detached properties I consider the proposal represents a relatively limited scale infill development which can be accommodated within the streetscape. Furthermore, I note that there are a variety of housing design styles in the wider surrounding area particularly along Dalkey Avenue.
- 7.1.3. While the dwellings are three storey having regard to the proposed contextual elevations indicated on Drawing No. XT-D-439-007 the dwellings are proposed to be built circa 2m below the finished floor level of 'Windward' to the east. The proposed contextual elevations indicated that the roof ridge level of the dwellings would be below the ridge heights of 'Windward' to the east and No. 4 Ard Mhuire Park.

- 7.1.4. In relation to the proposed front building line, I note that it would be forward of that of no. 4 Ard Mhuire Park to the west by circa 1.9m. Having regard to the location of the site close to the entrance of the cul-de-sac and the siting and configuration of the neighbouring dwellings I consider that the proposed building front line would not unduly impact upon the streetscape character.
- 7.2. Impact upon residential amenity
- 7.2.1. Concerns have also been raised by appellants and observers regarding potential overshadowing, overlooking, and overbearing impact.
- 7.2.2. I have examined the proposed plans and elevations and having regard to the location of the appellants' properties to the east, west and south of the proposed development I am satisfied that any potential overshadowing would be very limited.
- 7.2.3. In terms of overlooking, having regard to the fact that there are no existing dwellings located directly to the rear of the proposed dwellings combined with the fact that the appeal site is circa 1.3m below the ground levels of properties to the south and having regard to the mature high hedging along the southern and western, it is considered that no significant overlooking will occur. In relation to the issue of balconies raised in a number of appeals, I note that no balconies are proposed. The flat roof areas at first floor are proposed for maintenance only.
- 7.2.4. Regarding the issue of overbearing, having regard to the siting and design of the proposed dwellings including the lower ground level of the site relative to the properties to the south, I do not consider that the proposed development would result in any undue overbearing impact.
- 7.2.5. The issue of the depth and area of the rear gardens has been raised in the appeals. Section 8.2.8.4 (i) refers to private open space. The minimum required private open space for four bedroom dwellings is 75sq m. The Development Plan requires a minimum standard of 22 metres separation between directly opposing rear first floor windows, normally resulting in a minimum rear garden depth of 11 metres. However, in the case of the proposed scheme as there are no directly opposing first floor windows a reduction in the garden depth from 11m can be consider. The proposed layout provides the rear gardens with a minimum depth of 6.2 and all garden areas are in excess of 75sq m. Accordingly, a satisfactory level of private amenity space has been provided for the dwellings.

### 7.3. Traffic and parking

- 7.3.1. The proposal entails the provision of a total of 3 no. new dwellings with the demolition of the existing detached dwelling. The existing dwelling is served by a vehicular entrance to the western side of the site. It is proposed to relocate the existing vehicular entrance and construct 2 no. new entrances to serve the three properties. The location of the proposed entrances are onto a straight section of the road where satisfactory sightlines are available. It is noted that there is a bend in the road to the east this is close to the junction with Dalkey Avenue and consequently this would reduce the speed of vehicles travelling into the cul-de-sac.
- 7.3.2. Table 8.2.3 of the Dun Laoghaire-Rathdown Development Plan 2016-2022 refers to Residential land use car parking standards. It is required under the Development plan that a three bedroom or larger dwelling a minimum of 2 no. car parking space be provided. The proposed dwellings contain 4 no. bedrooms. 2 no. on-site car parking spaces are proposed to the front of each dwelling which is in accordance with development plan requirements.
- 7.3.3. The appellants have expressed concern at the level of additional traffic which would be generated by the proposed scheme. Having regard to relatively limited scale of the proposed development comprising a further two dwellings to the existing site, I would consider that the level of traffic likely to be generated by the proposed development to be modest in level and in keeping with existing traffic generated at this location. Furthermore, I am satisfied having regard to the details contain on file including the reports of the Transportation Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.

### 7.4. Foul and surface water disposal

#### Foul Drainage

- 7.4.1. The appeals raised the matter of foul and surface water drainage and queried the capacity of the existing network. The proposed foul drainage layout is indicated on Drawing No. XT-D-439-007. It is proposed to install a new section of 225mm foul sewer to connect to the existing Local Authority combined sewer. I note that in

relation to foul drainage the Drainage Planning Section of the Council have no objections to the proposed scheme.

#### Surface water drainage

- 7.4.2. The surface water layout is indicated on Drawing No. XT-D-439-007. A separate surface water system is proposed within the site. The surface water generated within the development will be discharged to soak pits to the front of each dwelling. The Drainage Planning Section in their report dated the 31<sup>st</sup> of July 2017 stated that they were satisfied with the proposals subject to the soak-pits being designed to BRE Digest 365 including that they be located a minimum of 5m from the houses. It was stated in the report that if the applicant considers the soak pits not feasible that infiltration tests should be submitted and an alternative SuDS measure be provided.
- 7.4.3. Having regard to the fact that the cul-de-sac has previously experienced surface water flooding I consider that it would be appropriate to require the attachment of a condition to the permission, should permission be granted requiring that the applicant submit full design calculations for the proposed soakaway for the written agreement of the Planning Authority.
- 7.5. Appropriate Assessment
- 7.5.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the 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 a 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 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. Prior to the commencement of the development, the applicant shall submit for the written agreement of the Planning Authority, revised plans and drawings indicating the following:
  - a) A bin storage areas to the front of the terrace.

**Reason:** In the interest of residential and visual amenity.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no development which is of Class 1 or Class 3 of Part 1 of the Second Schedule to the said Regulation shall be carried out within the curtilage of House 2A, House 2B or House 2C hereby permitted, unless permissions for the carrying out of such development has first been granted by the Planning Authority or by An Bord Pleanala on appeal.

**Reason:** In the interest of residential and visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. 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. Prior to commencement of development the applicant shall submit full design calculations for the proposed soakaway for the written agreement of the Planning Authority. The soakaway shall comply with the requirements of BRE Digest 365 'Soakaway design' specifically it shall be located a minimum distance of 5m from buildings and site boundaries.

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours 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 amenities of property in the vicinity.

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

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

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. 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.

---

Siobhan Carroll  
Planning Inspector

30<sup>th</sup> of November 2017