



An
Bord
Pleanála

Inspector's Report ABP-300180-17

Development	Removal of existing single storey extension to side of existing two storey (+ converted attic) house and for construction in its place of an additional two storey dwelling, complete with driveway and entrance gates.
Location	17 Rochestown Park, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0752
Applicant(s)	Terry & Maureen Coughlan
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	None.
Date of Site Inspection	27 th March, 2018
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located within an established residential area, approximately 600m northwest of the junction of Rochestown Avenue with Sallyglan Road (the R118 Regional Road), in the suburb of Rochestown, Sallynoggin, Co. Dublin, where it occupies a position at the junction of Pearse Villas with Rochestown Park. The surrounding area is characterised by conventional suburban housing which predominantly comprises two-storey semi-detached / terraced dwelling houses of varying designs, although there are a number of other housing styles within the wider area such as chalet-type / dormer dwellings along Rochestown Park. The site itself has a stated site area of 0.06925 hectares, is irregularly shaped, and is presently occupied by a semi-detached two storey property with a partial two-storey / single storey extension / annex incorporating a workshop to the side of same. Notably, the specifics of the site context, with particular reference to its overall shape and dimensions, in addition to the positioning of the existing dwelling house whereby it follows the established building lines, serves to limit the extent of the garden area / private open space to the rear of the subject property.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of an existing single storey extension to the side of the dwelling house at No. 17 Rochestown Park and the subdivision of the overall plot of this unit to facilitate the construction of a new detached two storey dwelling house (floor area: 131.24m²) with independent vehicular access from each property onto the public road. The proposed dwelling house will follow the established building line to the northwest and will utilise similar design features as existing units in the surrounding area. Its design is based on a principle rectangular plan with a conventional roof detail and asymmetrical front elevation incorporating a ground floor bay window. Water and sewerage services are available from the public mains network.

N.B. On 20th October, 2017, the Planning Authority issued a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

On 17th October, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- It is considered that the layout and design of the proposed 2-storey dwelling with first floor bedroom windows located, in close proximity to the rear site boundary, would seriously injure the amenities of the adjoining residential properties. It is considered that the proposed development of a 3-bed, 2-storey dwelling, would represent overdevelopment of the site and would unduly overlook adjoining private amenity space. In this regard the proposed development would be seriously injurious to the residential amenities of the area and fails to comply with the zoning objective of the site, that being 'Objective A' – 'To protect and / or improve residential amenity' as set out within the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Details the site context, planning history, and the applicable policy considerations before expressing concerns that the positioning of the development on site will result in restricted private open space provision to the rear of both the proposed and existing dwelling houses. The report proceeds to note the limited rear garden depth and states that whilst the existing dwelling house is relatively close to the rear boundary, it is considered that the introduction of 2 No. additional first floor windows within 7m of that boundary would result in undue overlooking of adjacent private open space and the overdevelopment of the application site. However, it is acknowledged that the site could potentially accommodate the development of a suitably designed dwelling house provided that further cognisance is taken of the need to preserve the residential amenity of adjacent properties. The remainder of the report notes the comments of the Transportation and Drainage Divisions of the Local

Authority and highlights a number of discrepancies in the submitted drawings etc. before recommending a refusal of permission.

3.2.2. Other Technical Reports:

Transportation Planning: No objection, subject to conditions.

Drainage Planning (Municipal Services Department): Recommends that the applicant be requested to demonstrate that appropriate consideration has been given to the requirements of the Greater Dublin Strategic Drainage Study (GSDSDS) as regards Sustainable Drainage Systems. In this respect it is stated that the applicant should be required to submit a revised proposal (as an alternative to the direct disposal of surface water) showing a reasonable effort to incorporate SUDS measures appropriate to the scale of the proposed development (a soakpit or similar, if permitted by the ground conditions, would be regarded as a reasonable solution).

This report further states that the driveways / hardstanding areas should be shown as having been designed in accordance with Section 8.2.4.9 of the County Development Plan whereby *'Each driveway, parking and hardstanding areas shall be constructed in accordance with SUDS . . .'* In addition, each property should be shown with individual connections to the public sewer from within their respective curtilages and not through adjacent property.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. On Site:

PA Ref. No. D98B/0637. Was granted on 2nd September, 1998 permitting Terry Coughlan permission for a ground and first floor extension and alteration to garage to side of existing dwelling.

PA Ref. No. D99B/0059. Was granted on 26th April, 1999 permitting Terry Coughlan permission for a ground and first floor extension and alteration to garage to side of existing dwelling.

4.2. On Adjacent Sites:

PA Ref. No. D03A/0855. Was granted on 18th December, 2003 permitting Susan Galavan permission for the demolition of existing garage, construction of new pitched roof extension to front at ground level, conversion of existing attic to bedroom and bathroom with new rooflights, new 2 storey 4 bedroom detached house adjacent, 2 new gateway entrances and associated site development works to the existing dwelling house, all at 18 Rochestown Park, Sallynoggin, Co. Dublin.

PA Ref. No. D06A/0677. Was granted on 27th June, 2006 permitting Susan Galavan permission for alterations to previously granted planning permission (Reg. Ref. D03A/0855) to remove existing chimney and construction of new dormer window to attic at rear, new window to side all at the existing two storey dwelling house, all at 18 Rochestown Park, Sallynoggin, Co. Dublin.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. D08B/0628. Was granted on 15th October, 2008 permitting Martin and Ann Cousins permission for the demolition of garage to side and construction of a two storey and part single storey extension to front and side with 3 velux windows to front and rear at 16 Rochestown Park, Dun Laoghaire, Co. Dublin.

PA Ref. No. D06A/0756. Was granted on 23rd August, 2006 permitting Mr. Neill & Robert Reid permission for a two storey dwelling house in side gardens of 14 & 15 Rochestown Park including new vehicular access to proposed house, all at 14 & 15, Rochestown Park, Dun Laoghaire, Co. Dublin.

PA Ref. No. D07A/0374. Was refused on 15th May, 2007 refusing R. Murphy permission for a new double fronted dwelling on corner site to side using existing vehicular access to front from Rochestown Park, all at 44 Rochestown Park, Dun Laoghaire, Co Dublin.

4.4. Other Relevant Files:

PA Ref. No. D09A/0252 / ABP Ref. No. PL06D.234051. Was refused on appeal on 6th October, 2009 refusing Orla Geraghty permission for the demolition of the

existing granny flat and the construction of a new semi-detached two-storey, two bedroom house attached to the side of the existing dwelling. The house comprises a two-storey form with single storey projections at ground level to the front, removal of the existing conservatory and garden shed is proposed. Relocation of the vehicular entrance to serve the existing house and the creation of a new entrance is proposed and associated site development works. All at 1 Rochestown Park, Dun Laoghaire, Co. Dublin.

5.0 Policy Context

5.1. National and Regional Policy:

- 5.1.1. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan

Dun Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective *'To protect and-or improve residential amenity'*.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: *Residential Development:*

Section 8.2.3.1: *Quality Residential Design*

Section 8.2.3.2: *Quantitative Standards*

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas:*

(v) Corner/Side Garden Sites:

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

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

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

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

Section 8.2.8.4: *Private Open Space - Quantity*

5.3. **Natural Heritage Designations**

The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 3.2km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.2km east of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.0km north-northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.9km north-northwest of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- By way of precedent, a comparable infill dwelling house has been built within the adjacent grounds of No. 18 Rochestown Park and in this respect it is

notable that the garden area of that property and the subject site are practically identical in overall size and shape. Furthermore, that dwelling house has seamlessly assimilated into the built environment of Rochestown Park.

- The development of suitable infill housing within an urban environment is advocated in the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'. Such infill developments assist in the reduction of unsustainable urban sprawl and serve to ensure the greater utilisation of existing infrastructure, including roads and drainage services. Indeed, the insertion of appropriately designed infill houses within mature urban settings represents a pragmatic and sustainable planning solution.
- The existing site is unusually large for a single dwelling house and its 'pointed' shape serves to render much of it almost unusable. Accordingly, the subject proposal seeks to address the situation by accommodating a second dwelling house in order to make better use of this valuable urban resource.
- The applicants are keen to downsize whilst the existing large workshop area to the side of the property is now rarely used and is essentially surplus to requirements. Therefore, given the circumstances, it would appear sensible to remove the workshop extension and to construct a new infill house in its place given that such a proposal would resolve the downsizing requirement and provide financial security into the future.
- Both the '*Sustainable Urban Housing – Design Standards for New Apartments, 2015*' and the County Development Plan set out the minimum acceptable separation distances between directly opposing 'back-to-back' housing at 22m. In the subject instance, the nearest housing which faces directly towards the proposed development is in excess of 100m away. All of the other houses in the vicinity are orientated at approximately 90 degrees to the proposed building which serves to greatly reduce the potential for overlooking.
- There is presently a separation distance of only 6m between the rear elevation of the existing dwelling house and the site boundary which has been in place for c. 40 No. years without issue or complaint from any party. In

addition, it is notable that the alignment of the rear boundary wall is such that the existing dwelling house has always been just 2m from the rear boundary in places and that this situation has similarly not given rise to any difficulties.

- The garden area for the proposed dwelling house is considerably less contrived than that which serves the dwelling house which was previously approved within the curtilage of No. 18 Rochestown Park pursuant to PA Ref. No. D03A/0855. In this regard it is submitted that the decision to refuse permission for the subject proposal is inconsistent with the approach to such development previously employed by the Planning Authority.
- All of the existing trees and hedging will be retained and protected during the course of the works. In addition, supplementary planting will be provided as required to provide full cover around the perimeter of both the existing and proposed rear garden areas.
- Contrary to the decision of the Planning Authority, it is submitted that the subject proposal does not constitute overdevelopment of the application site. The site in question is of a substantial size and is entirely capable of accommodating 2 No. dwelling houses on two separate and generously sized plots.
- There have been no third party observations lodged in respect of the subject application / appeal and the issue raised by the Planning Authority would not appear to be a concern shared by local residents.
- The overall design and finish of the proposed development will match that of the existing dwelling house. The new construction will assimilate seamlessly with the surrounding residential environment.

6.2. Planning Authority's Response

- States 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.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Appropriate assessment
- Other issues

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing construction. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the

'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

7.2.2. Therefore, having considered the available information, with particular reference to the site context, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Overall Design and Layout:**

7.3.1. In terms of the overall design and layout of the proposed development, having regard to the surrounding pattern of development, in my opinion, the outward appearance of the subject proposal, with specific reference to its height, two-storey construction, and maintenance of the established building line, generally represents an appropriate design response which is in keeping with the prevailing character of the area. However, I would have concerns in relation to the detailed design of the proposal given the specifics of the site context and its relationship with neighbouring properties. In this regard, I would draw the Board's attention to the configuration / dimensions of the application site and the positioning of the existing dwelling house within same which serves to physically constrain the developable area given the need to respect the established building line and the necessity to preserve the residential amenity of adjacent dwellings. More particularly, I would emphasise that the subject proposal involves the subdivision of an existing housing plot and thus it is necessary to ensure that both the existing and proposed dwelling houses will be provided with an adequate level of residential amenity.

7.3.2. With regard to the foregoing, whilst the positioning of the proposed dwelling house respects the building line of the adjacent properties to the southeast and northwest, the site layout provides for a limited rear garden depth with a separation distance of only c. 7m between the rear elevation of the proposed dwelling and the site

boundary which serves to restrict private open space provision and also gives rise to concerns as regards the potential for the overlooking of neighbouring property.

7.3.3. At this point I would refer the Board to Section 8.2.8.4: '*Private Open Space – Quantity*' of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 which states that three-bedroom dwelling houses should be provided with a minimum of 60m² of private open space behind the front building line and that any open space to the side of dwellings will only be considered as part of the overall private open space calculation where it comprises useable, good quality space i.e. narrow strips of open space to the side of dwellings will not be included in the calculation. From a review of the submitted plans, I would estimate that the proposed three-bedroom dwelling house will only be provided with c. 55m² of usable private open space (excluding the narrow strip of space alongside the north-western gable) and thus it fails to satisfy the minimum requirements of the Development Plan (*N.B.* In the event the proposed development were to be amended to provide for the construction of a two-bedroom dwelling house, it is noteworthy that a figure of 48m² may be considered acceptable by the Planning Authority in cases where it can be demonstrated that good quality usable open space can be provided on site). In addition, it is apparent that the remainder of the rear garden area intended to serve the existing dwelling house on site will only extend to approximately 37m², (excluding that area to the front and side of the existing dwelling, a substantial proportion of which would essentially function as an extension of the front garden) and thus falls significantly below the requirements of Section 8.2.8.4 of the Development Plan which states that dwelling houses with four or more bedrooms should be provided with at least 75m².

7.3.4. Therefore, on the basis of the foregoing, it is my opinion that the proposed development, by reason of the inadequate provision of private open space for both the existing and proposed dwelling houses, would give rise to an unacceptable overdevelopment of this constrained site which would be detrimental to the residential amenity of the occupants of the properties in question.

7.4. **Impact on Residential Amenity:**

7.4.1. With regard to the potential impact of the proposed development on the residential amenity of neighbouring properties, having reviewed the available information,

including the decision of the Planning Authority to refuse permission, I would reiterate my earlier comments as regards the depth of the rear garden area serving the proposed dwelling house and limited separation distance between it and the site boundary. In this respect it is necessary to consider whether or not the proposed two-storey construction, with particular reference to the inclusion of 2 No. first floor bedroom windows within the rear elevation of same, would be likely to result in the overlooking of adjoining lands with a consequential loss of privacy.

7.4.2. Whilst I would acknowledge that there are a number of instances within the immediate area whereby larger housing plots have been subdivided in order to accommodate the construction of an additional dwelling house, such as that permitted under PA Ref. No. D03A/0855 at No. 18 Rochestown Park, due cognisance must be taken of the specific circumstances of the subject site and in this respect I would have serious reservations as regards the adequacy of the separation distance available between the proposed dwelling house and the private rear garden area of the adjacent property at No. 18 Rochestown Park. In my opinion, notwithstanding that the existing dwelling house already overlooks the rear garden area of No. 18 Rochestown Park, the proposed development of a new 2-storey dwelling house with first floor bedroom windows located in such close proximity to the rear site boundary would have an unacceptable detrimental impact on the residential amenity of the adjoining property by reason of overlooking and an associated loss of privacy. Accordingly, I am inclined to concur with the Planning Authority that the proposal as submitted would represent an overdevelopment of the site and would unduly overlook adjoining private amenity space.

(*N.B.* The development of a 2-storey, two-bedroom dwelling house with only bathroom and / or en suite windows at first floor level within the rear elevation of same could potentially negate any overlooking of neighbouring property whilst simultaneously satisfying the private open space requirements of the Development Plan).

7.5. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate

assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.6. **Other Issues:**

7.6.1. The Accuracy of the Submitted Drawings:

Having reviewed the submitted plans and particulars, I would concur with the report of the case planner that there are a number of inconsistencies / discrepancies in the details provided which would require rectification. For example, the elevational drawings of the proposed dwelling house do not correspond with the submitted floor plans in that they fail to accurately detail the two-storey stepped gable feature which accommodates the ground floor WC / utility area and the first floor ensuite bathroom.

7.6.2. Infrastructural / Servicing Requirements:

The report of the Drainage Planning (Municipal Services Department) Division of the Local Authority has identified a number of concerns with regard to the proposed foul and surface water drainage arrangements on site, including the need to consider the incorporation of SUDS measures pursuant to the Greater Dublin Strategic Drainage Study as an alternative to the direct disposal of surface water to the public mains system. However, I would suggest that particular difficulties are also likely to arise as regards the proposal to route the foul and surface water sewers serving the proposed dwelling house through the curtilage of the existing residence (as shown on Drg. No. 1703: 'Drainage Layout').

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Having regard to the restricted size and configuration of the site, it is considered that the proposed development, by reason of its overall design and proximity to the site boundary, would result in an unacceptable reduction

in the established levels of residential amenity of the neighbouring property to the immediate southwest by reason of overlooking. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the established pattern of development in the area, the shape and configuration of the site and its relationship to adjoining properties, and the scale of the development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for both the existing and future occupants of the proposed and existing dwelling houses on site and would result in overdevelopment of the site by reason of the inadequate provision of good quality private open space. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

12th April, 2018