



An
Bord
Pleanála

Inspector's Report ABP-300648-18

Development

Permission is sought for a new 2 storey, 3 bedroom dwelling and new vehicular access with boundary wall and landscaping works to the side of the existing dwelling.

Location

57, Meadow Vale, Deansgrange,
Blackrock, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D17A/0921

Applicant(s)

Colm and Kathleen Quinn

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Connie Ross

Observer(s)

None

Date of Site Inspection

17th April 2018

Inspector

Emer Doyle

1.0 Site Location and Description

1.1. The site is located at No. 57 Meadowvale, Deansgrange, County Dublin. The site comprises the side garden of the end-of-terrace two-storey house which is located at the junction of two of the estate roads. The site is flanked to the south by terraced houses, the nearest being the appellant's house. There are further terraced houses to the east and opposite to the north and semi-detached houses on the opposite side of the road to the west. A recently constructed two-storey detached house is located at the western end of the terrace of houses of which No. 57 forms a part.

2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of a three bedroom detached dwelling with a floor area of c. 133 square metres in the side garden of an existing dwelling.
- 2.2. The proposed dwelling is two storey in height and external finishes include a mixture of brick and rendered walls. Roof finishes are not stated on the drawings submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted by the Planning Authority subject to 12 No. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report (8/12/17)

- It was considered that the design proposed addressed the shortcomings of the previous scheme and overcomes the previous reason for refusal.

- Having regard to the scale and height of the proposed dwelling, it is considered that the proposal will not impact negatively on the residential amenity of the existing dwelling to the east by reasons of overbearing or overshadowing.
- There are no ground or first floor windows on the proposed southern or eastern elevation of the dwelling which could give rise to overlooking opportunities.

3.2.2. Other Technical Reports

- Transportation Planning (15/11/17): No objection subject to conditions.
- Drainage Planning (24/11/17): No objection subject to conditions.

3.3. **Prescribed Bodies**

- No reports received.

3.4. **Third Party Observations**

- None received.

4.0 Planning History

A long and detailed history is provided in the planning authority report. I consider that the most relevant application is as follows:

PA D16/0336/ ABP PL06D.247247

Permission granted by the Planning Authority for a house on this site. One of the conditions granted by the planning authority required the omission of the living room. The application was refused on appeal to the Board.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To protect and/or improve residential amenity'.

Section 8.2.3.4 (v) Corner/Side Garden Sites and (vii) Infill: *"New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings."*

Section 2.1.3.4 Existing Housing Stock Densification: *"Encourage densification of the existing suburbs in order to help retain population levels - by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas."

5.2. **Natural Heritage Designations**

None applicable.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main grounds of appeal can be summarised as follows:

- Impact on residential amenity
- Concerns regarding design and devaluation of property.

6.2. **Applicant Response**

- Considered that proposed development addresses the previous refusal reason by the Board.
- Considered that design is appropriate for the site.

6.3. **Planning Authority Response**

- It is considered by the Planning Authority 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**

- None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal.

Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Planning History

- Impact on Residential Amenity
- Design
- Appropriate Assessment

7.2. Planning History

7.2.1. I note that the Board has refused permission for a single house development on this site seven times previously. The main reason for refusal in five of those cases was because the location of the proposed dwellings were almost entirely forward of the building line established by No. 96 Meadow Vale and because it was considered that the developments would be visually obtrusive, and would seriously injure the amenities of the area. I note that the Board did not consider the previous proposals would impact on residential amenities of neighbouring properties, would constitute a traffic hazard, would cause concerns regarding drainage etc.

7.2.2. The most recent application on the site was refused for an entirely different reason as follows:

‘Having regard to the condition of the planning authority deleting the living room area of the proposal, which condition had not been appealed by the first party, and considering that the living room area required amendment to minimise impact on the neighbour to the south, the board considered that adopting the condition as proposed by the planning authority would lead to a poor standard of residential amenity to the residents of the proposed development. The Board further considered that the applicant should be presented with an opportunity to develop a design with an appropriate living space which minimised interference with amenity to neighbouring property to the south and that would best be achieved in the context of a new application.’

7.2.3. I note that the planner’s report comments as follows: ‘The previously proposed living room has now been omitted from the scheme and a private amenity space has been retained for No. 57 Meadow Vale which is of a size which is consistent with the pattern of development in the area and with the current county development plan. The revised site layout and design will ensure that each dwelling has adequate and appropriately located private open space. In this regard, it is considered that the

revised proposal adequately addresses the shortcomings of the previous scheme and overcomes the previous ground for refusal and provides for a good standard of residential amenity for future residents of the proposed development.'

- 7.2.4. It is clear from the most recent history file that the Board had accepted the principle of development on the site but required a revised design to address the shortcomings of the previous design. I consider that the revised design has been carefully considered by the applicant and I concur with the view of the Planning Authority that it addresses the shortcomings of the previous design.

7.3. Impact on Residential Amenities

- 7.3.1. The main concerns raised in relation to residential amenity relate to overlooking. Having regard to the layout of the site with the single storey element of the house closest to the appellant's dwelling (which has a blank gable wall) and the distance between the properties, I am of the view that there is no direct overlooking.

7.4. Design

- 7.4.1. The appellant considers that the proposed development would be seriously out of character with the established pattern of development at this location. Concern is also raised in relation to infringement of the building line.
- 7.4.2. The proposed dwelling would maintain the established front building line of Nos. 57 - 62. I consider that this is the predominant building line for this corner site. I note that the front building line is the same as the most recent planning application on the site and the Inspector considered that when viewed as part of a terrace comprising Nos. 57-62, the proposed building line would be acceptable.
- 7.4.3. I consider that the design is very similar to a dwelling recently constructed at the eastern part of the terrace of which No. 57 forms a part, namely No. 62A. The design proposed is acceptable in terms of scale, height, massing and finishes and will have no significant adverse visual impact for the overall estate when such development would be of a compatible form and character with the existing housing at this location.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, a residential infill development on serviced land within an established urban area, and the 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.

Recommendation

It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, the planning history of the site and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 development, 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.

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

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be erected on the within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling.

10. 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.

Emer Doyle
Planning Inspector

18th May 2018