



An  
Bord  
Pleanála

## Inspector's Report ABP300654-18

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<b>Development</b>	Dormer house in rear garden and new access.
<b>Location</b>	14 Barnhill Park, Dalkey, County Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0909
<b>Applicant(s)</b>	Peter McCrodden
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Liam &amp; Madeline Guidera</li><li>2. Residents of Saval Park Gardens and Barnhill Park.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Residents of Saval Park Gardens.</li><li>2. Residents of Saval Park Road Lower</li></ol>

3. Clodagh Power
4. Con & Anne Bush and Others
5. Seamus Guidera
6. D.A. Lynch
7. Dalkey Community Council

**Date of Site Inspection**

11<sup>th</sup> May 2017

**Inspector**

Hugh Mannion

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## **1.0 Site Location and Description**

- 1.1. The application site has a stated area of 0.082ha and comprises a detached two storey house with front and rear gardens. There is a driveway/parking area which could accommodate two cars. A previous single storey garage has been converted to living accommodation and is proposed for demolition in the current application. There is a single storey rear element which will remain.
- 1.2. The immediate area is characterised by two storey detached and semidetached houses with front and rear gardens and is situated in the southern suburbs of Dublin city. There are footpaths on both sides of Barnhill Park, there are no double yellow lines in the vicinity and there is a turning circle immediately south of the application site. All the houses have driveways/parking which accommodate one or two spaces.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises a 116m<sup>2</sup> dormer house in rear garden, new vehicular access, demolition of a converted single storey garage and associated works at 14 Barnhill Park, Dalkey, County Dublin.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission.

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

- 3.2.1. Planning Reports
- 3.2.2. The planner's report recommended a grant of permission as provided for in the manager's order.

### 3.2.3. Other Technical Reports:

**Transport Planning** reported no objection subject to conditions.

**Drainage Planning** reported no objection subject to a condition in relation to surface water management.

**Irish Water** reported no objection subject to conditions.

## 4.0 Planning History

Under reference D16A/0550 permission was refused for a house on this site because;

- it comprised backland development which would seriously injure the amenity and depreciate the value of property in the area.
- height/scale and proximity to the southern boundary would seriously injure the amenity and depreciate the value of property in the area.

## 5.0 Policy Context

### 5.1. Development Plan

The site is in an area zoned 'A' to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

### 5.2. Natural Heritage Designations

See Appropriate Assessment Screening below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed development will due to scale, density, height and proximity to the site boundaries will negatively impact on adjoining property, will give rise

to overlooking/overshadowing and contravene the residential zoning objective for the site in the County Development Plan.

- The application drawings are deficient. The proposal comprises a two storey house.
- Site levels differ between the application site and adjoining property. The proposal will overlook/overshadow adjoining property. The proposal will be visually obtrusive and will negatively impact on the character of Barnhill Park.
- Previously permission was refused on this site under reference D16A/0550.
- The proposed development contravenes County Development Plan policy in relation to backland development.
- The proposal will necessitate tree removal which negatively impacts on the amenity of adjoining property.
- Surface water management details are unclear/inadequate.
- Foul drainage details are unclear/inadequate.
- The new drive way will give rise to security concerns for adjoining property.

## 6.2. Applicant Response

- The site is zoned for residential development.
- The proposed house has been redesigned to reflect the decision under D16A/0550.
- The proposed development meets the criteria for private open space/separation distances provided in section 8.2.8.4 of the County Development Plan.
- The County Development Plan supports high density. The application does not comprise over-development of the site. The site is close to public transport infrastructure.
- The proposed development will not give rise to traffic hazard.
- The County Development Plan does not prohibit backland development where normal planning criteria can be met.

- The scale/design of the proposed development ensures that it will not negatively impact on Barnhill Road.
- The application and condition attached to the grant of permission deal adequately with the issue of drainage.
- The proposed development will not impact negatively on the security of adjoining property.
- No unreasonable impact will arise for adjoining property during construction works and the proposal will not depreciate the value of property in the vicinity.

### 6.3. **Planning Authority Response**

- The planning authority had no further comment.

### 6.4. **Observations**

- The proposed development will negatively impact on adjoining property due to scale, height, overlooking. The proposed development contravenes the development plan policy set out at section 8.2.3.4.
- The proposed development will further surcharge the public foul sewerage in the area.
- Surface water drainage is inadequate.
- The new road will give rise to noise.
- The proposal is out of context and will visually impact on Barnhill Park.
- The proposal will particularly impact on 13 Barnhill Park.

### 6.5. **Further Responses**

There are no further submissions.

## 7.0 **Assessment**

### 7.1. **Residential amenity.**

- 7.2. Section 8.2.3.4 (vi) of the Development Plan deals with additional accommodation in built up areas. The criteria for consideration of additional houses in rear gardens are that the proposed houses should;
- Generally, be single storey to avoid overlooking,
  - Have adequate vehicular access,
  - Both existing and proposed houses should have 48m<sup>2</sup> of garden space for 1 and 2 bed units and 60m<sup>2</sup> for larger houses.
  - New single storey houses should be 15m from rear wall of existing house and have 7m depth garden.
  - New two storey houses should be 22m from the rear wall of the existing house and have 11m deep garden.
- 7.3. The proposed development is located on a site with an overall depth of 65m. The revised site for existing house will retain an overall site depth of 38m of which 11m will be retained as rear garden. This arrangement complies with the development plan standard for the existing house and the residential amenity of the existing house will be acceptable.
- 7.4. The development plan requires an access lane of 3.7m (with 3.1m acceptable at pinch points) to ensure vehicular safety on entry/exit. The proposed development is to demolish an existing single storey converted side-garage and provide an access lane varying in width between 3.9m and 3.5m. The planning authority's transport planning department reported on this application and raised no objections to this arrangement. The public road fronting the site is a short cul de sac with a speed limit of 50kms/hour; I expect the effective speed limit is slower. Having regard to the foregoing I conclude that the proposed development meets the standards for vehicular access set out in the development plan and will not give rise to traffic hazard.
- 7.5. The proposed house has three bedrooms. The county development plan requires 60m<sup>2</sup> of private open space for three bed houses – the proposed garden is 139m<sup>2</sup>. The existing house (with three bedrooms) retains 110m<sup>2</sup> of private open space. The proposed development, therefore, complies with the development plan standards.



- 7.6. The front of the proposed house is 17.5m from the rear wall of the existing house on site at ground floor but 22m at first floor (the existing house as a single storey rear extension). This ensures 22m separation distance between upper floor windows for the existing and proposed house. The proposed house has rear garden depth of 11m. I conclude that this layout complies with the development plan standards whose objective is the protection of the amenity of the existing and proposed houses.
- 7.7. The appeal makes the related points that the proposed development will impact negatively through overlooking of adjoining property, bring traffic impacts closer to 13 Barnhill Park and lead to loss of trees. The 'rule of thumb' as expressed in the county development plan is that a separation distance of 11m off the boundary is usually sufficient to protect the amenity of adjoining property. The rear elevation of the proposed house is 11m off the boundary with 52 and 53 Saval Park Road. The sole bedroom window on this rear elevation is set back a further 1m. I conclude that this rear window or the two velux windows serving a bathroom and an en-suite shower/WC will not seriously injure the residential amenity adjoining property due to overlooking. There are no first windows on the gable elevations which would overlook adjoining property. The more northern first floor window does face obliquely towards the rear garden of 25 Barnhill Park at about 9m. Given this angle, separation distance and the nature of the room as a bedroom I conclude that this impact will not seriously injure the amenity of adjoining property because of overlooking.
- 7.8. The proposed house has a maximum ridge height of 6.1m. Having regard to this modest height, separation distance off the boundaries and its orientation due west of the existing house on site I conclude that the proposed house will not unreasonably overshadow adjoining property.
- 7.9. The proposed development provides two car spaces. This will introduce an element of traffic noise to adjoining gardens but this is a domestic scale building which will generate a commensurately low level of activity – I conclude that the proposal will not seriously injure the amenity of adjoining residential property due to vehicular noise or general activity.
- 7.10. There are trees on site which may be lost to construction activity. I recommend a condition as set out in the draft order below to require the agreement of a

landscaping plan with the planning authority to help integrate the proposed development into the site. The appeal makes the related point that the proposal will be visually intrusive when viewed from adjoining roads. The character of the area is residential and the pattern of development is two storey houses on individual sites. I conclude that the proposed development will not undermine the character or pattern of development in the area.

**7.11. Surface Water/Foul Water.**

7.12. Policy E18 in the County Development Plan requires that where appropriate proposed development incorporate an element of sustainable urban drainage systems. The appeal makes the point that the surface water drainage proposed in the application is inadequate.

7.13. The site layout submitted with the application provides for a soakaway in the rear garden of the proposed house which allows for the infiltration of surface water runoff from the roof. The rear garden is 130m<sup>2</sup> and 11m deep. The planning authority's Surface Water Drainage report had no objection to this arrangement and recommended a grant of permission. It may be noted that the proposed development will not impact on the amount of rainfall within the site and a soakaway is an appropriate method of treating roof water and other surface water in the context of a modest development such as the present one. Having regard to the foregoing I conclude that the proposed development is acceptable in terms of surface water disposal.

7.14. The County Development Plan (chapter 5.1.1) makes the point that Irish Water is the statutory body responsible for waste water treatment. The appeal makes the point that the proposed development may lead to surcharge of the local foul water network. Irish Water reported on the application and made no objection. Having regard to the reports on file and the modest scale of the proposed development I conclude that the proposed development will not give rise to surcharging of the local sewer network.

**7.15. Appropriate Assessment**

7.16. Having regard to the modest nature and scale of the proposed development and its location in a built-up area where public piped services are available 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. Having regard to the foregoing I recommend a grant of planning permission as set out below.

## **9.0 Reasons and Considerations**

Having regard to the location of the proposed development in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and to the modest scale and height and distance from the site boundaries it is considered that the proposed development would not seriously injure the amenity or depreciate the value of property in the vicinity, would accord with the development plan zoning for the site and would accord 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 commencement of development detailed plans and particulars for the proposed junction of the access driveway with the public road shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of public safety.

3. Prior to commencement of development a detailed landscaping plan including appropriate planting on the boundaries shall be submitted to and agreed in writing with the planning authority.

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

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

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

5. 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.

6. 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.

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

7. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the

planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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

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Hugh Mannion  
Senior Planning Inspector

11<sup>th</sup> May 2018