



An
Bord
Pleanála

Inspector's Report ABP-300691-18

Development	Permission is sought for the demolition of the existing 2-storey dwelling house and garage and the construction of a 2 storey apartment building (c. 261.4 sq. m.) containing 3 apartments (1 no. one bedroom apartment and 2 no. two bedroom apartments), 3 no. car parking spaces and all associated site works.
Location	28, Monkstown Road, Monkstown, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D17A/0929
Applicant(s)	Carraig Consultants
Type of Application	Permission
Planning Authority Decision	To Grant Permission Subject to Conditions
Type of Appeal	Third Party
Appellant(s)	Stable Lane Residents Association
Observer(s)	No observers
Date of Site Inspection	18 th April 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.222 ha and is located in the mature residential suburb of Monkstown. The subject site is located on the northern side of Monkstown Road and currently accommodates a semi-detached, two storey dwelling which is in poor condition. The dwelling is set back from the front boundary of the site by c. 3 metres, is bound by a stone wall and is accessed from the Monkstown Road via a pedestrian gate. There is garden/yard located to the rear of the dwelling and a garage which adjoins the western boundary. To the west, the site abuts Stable Lane which provides vehicular and pedestrian access to 4 dwellings located to the north of the site. Access to the garage and yard/garden of no. 28 is also via Stable Lane from the rear of the property.
- 1.2. The existing laneway is gated. The 4 dwellings to the north are accessed via the laneway and there is a shared courtyard area which serves as a vehicle circulation and parking area for the 4 dwellings. The subject dwelling no. 28 has a right of way over the adjacent laneway and the rear wall of the property to the north bounds this courtyard area.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - The demolition of the existing 2 storey dwelling house and garage with an area of 192.3 sq. metres.
 - Construction of a 2 storey apartment building with a gross floor area of 261.4 sq. metres to accommodate 3 no. apartments comprising 1 no. 1 bed apartment and 2 no. 2 bed apartments.
 - 3 undercroft parking spaces with access from Stable Lane.
 - Bin storage, 6 no. bicycle spaces and all associated site works.
- 2.2. The development has a contemporary design and a maximum height of 7.5 metres.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 3: The proposed eastern elevation shall be finished in brick to match the southern, western and northern elevations of the proposed development.

Condition 4: a hedge shall be planted within the front setback, to the south of the ground floor terrae of Apartment No. 1 to provide enhanced screening of the principal amenity space.

3.2. Planning Authority Reports

3.2.1. Planning Report (13.12.2017)

- The scale and massing of the proposal generally accords with the prevailing building height along Monkstown Road. The demolition of the existing dwelling and its replacement with a higher density development is acceptable in principle.
- The existing house is not of significant architectural merit, or historical significance and the proposed demolition is acceptable.
- Having regard to the scale, architectural form and siting of the proposed development, it is considered the proposal will not adversely impact the visual amenities of the area.
- It is not considered that the development will have an adverse impact on the residential amenities of properties in the vicinity.
- All of the apartments are generally in accordance with the Sustainable Urban Housing: Design Standards for New Apartments.

3.2.2. Other Technical Reports

Drainage Planning (27.11.2017): No objection subject to conditions.

Transportation Planning (21.11.2017): No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (27.11.2017): No objection.

3.4. Third Party Observations

3.4.1 There were a number of third party observations. Issues raised are similar to the third party appeal submitted and can be summarised as follows:

- Consider that the development is an overdevelopment of the site and that the additional traffic generated would have an unacceptable traffic impact on Stable Lane and Monkstown Road. Concerns regarding potential conflicts with pedestrians and children playing.
- Concern that the development will have a negative impact on the residential amenities of the area in terms of visual impact, loss of light, overlooking, overshadowing and noise impacts.
- Object that the development will result in the loss of a visitor parking space on the mews laneway.
- Consider that the development will provide a poor level of residential amenity to future occupants in terms of the poor quality of open space and inadequate storage. Object to the design of the development.
- Concerns regarding impact on the foul drainage system.
- Object to potential construction stage impacts.
- Consider that there are inaccuracies in the application drawings.

4.0 Planning History

4.1 There is no recent planning history pertaining to the site.

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 site is zoned objective A: *To protect and/or improve residential amenity.*

5.1.2 Relevant policies and objectives include:

Section 8.2.3.4 (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.”

Policy RES 3: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.*

Policy RES 4: *It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

Section 8.2.3.2 of the Plan sets out quantitative standards for residential development. Section 8.2.4.5 provides car parking standards and Section 8.2.8.4 provides standards for private open space.

Section 8.2.3.4 (Xiv) Demolition and Replacement Dwellings

“The Council will sometimes state a preference to retain existing houses that, while not Protected Structures, do have their own merit and/or contribute beneficially to the area in terms of visual amenity, character and/or accommodation type.”

5.2 Other Policy

5.2.1 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015) sets out qualitative and quantitative standards for apartment development.

5.3 Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA located c. 0.4 km to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- Consider that the development represents an overdevelopment of the site. Particular concern raised regarding vehicular access for three additional cars. It is considered that this is an unacceptable intensification of the laneway. The development will give rise to further congestion and result in an inconvenience to existing residents.
- State that the means of access is through a private lane and no permission or enhanced right of access has been granted by the management company. Consider that the development will give rise to potential for unauthorised parking.
- Notes that the area to the north of the site functions as a communal open space and is the only area of open space available to serve no. 28A. Consider that the proposed access and car parking for three additional cars will result in noise and nuisance and increased security risks.
- State that the development will have an adverse visual impact due to the excessive site coverage and unacceptable massing. Concern that the development will appear overbearing and intrusive and give rise to undue

overshadowing to the adjacent laneway and area of open space to the rear of the site.

- Concern that the development will result in overlooking, particularly from the proposed balcony which it is considered will directly impact on 'Sea Breeze'. State that there will be potential for adverse noise impacts and that the development will result in a loss of privacy.
- Consider that the development will result in a loss of visitor car parking in the mews as this area would no longer be accessible due to the turning circle required by vehicles accessing the proposed development.
- State that the development does not provide future residents with an acceptable level of residential amenity due to the inadequacy of open space and storage within the development.
- Object that the development will have an adverse impact on the already overloaded sewer system. Any future connection should be to the main sewer on Monkstown Road.
- Concerns regarding potential construction stage impacts and use of the laneway by construction traffic. State that the development will result in significant damage to the lane.

6.2. Applicant Response

- Do not consider that the development represents an overdevelopment of the site. Notes policy support for higher density development in central accessible urban locations. The subject site is well served by public transport and is within 500 metres walk of the DART.
- There is sufficient space to the rear of no. 28 to accommodate 2 vehicles. The development will, therefore, only generate 1 additional space.
- States that there are excellent sightlines from the laneway onto Monkstown Road. The entrance gate is set back more than 7 metres from the edge of the footpath ensuring that any vehicle turning into Stable Lane does not have to wait on the road and risk blocking traffic while waiting for the remote controlled

gate. The entrance door to the apartments from the laneway is set back 1 metre to provide a safe recessed area for anyone exiting the building.

- Traffic movements associated with the development will be minimal. Cars will not park in the common area.
- The quality of the application is detailed in the Architects Design Statement. The proposed balcony/winter garden only overlooks the common parking area. There will be no loss of privacy to existing residents.
- Notes that no. 28 has the right to access the existing garage and rear parking area within the grounds of no. 28. States that there are anomalies in the appeal documentation regarding the visitor parking spaces.
- The development is fully compliant with the standards for private open space and storage. Notes that surface water discharge will be attenuated.
- A detailed construction management plan is submitted which provides mitigation measures to address potential construction phase impacts.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

- No observations.

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:

- Impact on Residential Amenity.
- Traffic and Access.

- Other Issues:
 - Drainage
 - Construction Phase Impacts
 - Legal Issues
- Appropriate Assessment.

7.2 Impact on Residential Amenity

7.2.1 The proposed development comprises the demolition of an existing dwelling and the construction of a small infill apartment scheme comprising 3 no. apartments. The site is located in close proximity to good public transport connections and is within 500 metres of the DART. The existing dwelling is considered to be of no architectural value and the redevelopment of the site is in accordance with the zoning objective and policy objectives at both a local and national level to encourage the intensification of well serviced lands in urban areas.

7.2.2 Concerns have been raised by the appellants that the subject development represents an overdevelopment of the site and will result in negative impacts to the residential amenities of adjacent properties. It is detailed that the development, due to its excessive site coverage, will have an overbearing impact and result in overshadowing to the adjacent laneway and to the rear common area serving the dwellings to the north. I consider the proposed development however, to be of an appropriate scale which has been designed to sit well within its context and assimilate with the existing character of the area.

7.2.4 The proposed development is effectively a two storey building with a maximum height of 7.5 metres. The building is set back from the front boundary and retains a similar building line to the existing dwelling. The building currently on the site is also two storeys with a large garage located to the rear along the western boundary of the site. Given the limited scale and height of the development and its separation distance from the properties to the north, I do not consider that it will have an adverse or material overshadowing impact compared to the existing dwelling. I do not consider the courtyard area to the north of the dwelling to be an amenity space as contended by the appellants. This gravelled area serves as a parking and circulation area to serve the 4 mews dwellings to the north. In this context, I do not

consider that the development will have any adverse impact on this space from an amenity perspective as it is evident that this courtyard does not serve as a primary open space area to serve these existing dwellings.

- 7.2.5 With regard to concerns about overlooking, it is considered that the buildings fenestration and amenity areas have been located to minimise any potential for overlooking and loss of privacy to adjacent dwellings. There are a number of rear gardens located to the east of the site that serve existing dwellings along Alma Road. The proposed development is separated from these dwellings by a distance of c. 23 metres. No fenestration is proposed on the eastern elevation.
- 7.2.6 The mews dwellings to the north of the site are separated from the proposed development by the existing parking and circulation courtyard. The nearest of the 4 dwellings (Sea Breeze) is located approximately 3 metres from the northern boundary of the site. There are no windows on the southern elevation of this dwelling which would overlook the subject site. Given the orientation of this dwelling, I do not consider that the development will result in any adverse impacts on the residential amenities of this property.
- 7.2.7 The remainder of the dwellings to the north are set back further from the proposed development. It is noted that there is some fenestration and a balcony/winter garden on the north elevation of the development. This however, primarily overlooks the circulation courtyard and I consider that there is an adequate separation distance between the balcony and Sea Breeze, the nearest dwelling to the east. Having regard to the separation distances and orientation of the dwellings to the north, I do not consider that any adverse overlooking will occur.
- 7.2.8 No. 26 Monkstown Road is located to the west of the site and is served by a large rear garden which shares its eastern boundary with the access laneway. The rear garden is bound by a high wall of c 2.4 metres. It is noted that obviating measures have been incorporated into the design to reduce any potential overlooking. A timber louver panel is proposed on the western side of the rear winter garden in order to avoid any overlooking of the rear garden of this adjoining house to the west. The fenestration on the western elevation primarily faces the side gable and front garden of no. 26. Given the separation distance between the two properties, the

generous rear garden serving this dwelling, and the screening measures proposed, it is not considered that any adverse overlooking will occur.

7.2.9 In conclusion, I consider the proposed development to be an appropriately scaled infill development. The contemporary high quality design will make a positive contribution to the streetscape and represents the appropriate densification of this urban brownfield site, well served by existing physical and social infrastructure and close to good public transport connections. The height of the development is modest and consistent with development in the vicinity. I am satisfied that no adverse overshadowing will occur. Whilst the concerns of the appellants regarding the potential overlooking and overbearing impacts of the development are noted, I consider that the development has been designed to retain appropriate separation distances from adjacent development and its layout and orientation will eliminate potential opportunities for adverse overlooking.

7.2.10 The Appellants also raise objections that the proposed development will provide a poor level of residential amenity to future occupants. It is noted however, that the proposed development complies with all relevant qualitative and quantitative standards set out in the Sustainable Urban Housing Design Standards for New Apartments (2015). In particular, the development complies with the relevant standards for private open space and storage.

7.3 Traffic and Access

7.3.1 Concerns have been raised by the appellants that the provision of 3 additional car parking spaces accessed via Stable Lane would result in an unacceptable intensification of the laneway and have a negative impact on the amenity of the common circulation space to the rear. It is also considered that it would result in a traffic hazard due to poor visibility from the laneway to the Monkstown Road. Concerns are also raised regarding potential conflicts with pedestrians using the circulation space and laneway and potential impacts on visitor car parking spaces.

7.3.2 The proposed development provides for 3 no. car parking spaces located in an undercroft area to the rear of the apartment development. The spaces are to be accessed via Stable Lane to the west of the property, to which the applicant states they have a right of way over. As previously noted, the area to the rear of the site is used as a common circulation and parking area for the 4 dwellings located to the

north of the site. It also however, provides rear access to the subject site and the garage located to the rear of the property. Therefore, there is already the potential for vehicular access to the subject site.

7.3.3 The Transportation Department have raised no objection to the principal of the development. I am satisfied that the development will not give rise to a significant intensification of use of the laneway given that only 3 no. additional spaces are proposed. The subject site already has a large garage to the rear which has vehicular access. The laneway and large circulation area have adequate capacity to absorb a development of this scale. The laneway has good visibility and sightlines at its junction with the Monkstown Road. There is an electronic gateway restricting access to the lane. However, this is set back from the public road to enable a vehicle to enter the laneway without having to queue from the main road.

7.3.4 As noted above, the area to the rear already accommodates 4 no. car parking spaces and functions as a circulation courtyard rather than amenity space. In this regard, I am satisfied that there will be no conflict between the proposed parking spaces and pedestrians. The pedestrian entrance to the development from the laneway is recessed allowing a refuge for pedestrians to wait should there be a vehicle passing on the lane. With regard to conflict with visitor parking, it was observed during the site visit that no car parking spaces were demarcated on the courtyard to the north. However, there is ample room in my view to facilitate 1 parking space for each dwelling in addition to 1 or 2 visitor parking spaces without conflict with the proposed development.

7.4 **Other Issues**

Drainage

7.4.1 It is contended that the existing sewerage system is inadequate to serve the proposed development. No technical evidence is submitted to support this assertion. It is noted that the Drainage Department of Dun Laoghaire Rathdown County Council raised no objection to the development. As detailed in the application documentation, the proposed hydraulic load of the development is relatively low. In addition, the proposed development includes detailed attenuation measures including a green roof and attenuation tank so that the proposed peak combined flow will be lower than

the existing scenario. I am satisfied that the development will have no adverse impacts on the drainage system.

Construction Phase Impacts

7.4.2 The appellants raise objections that the development will result in adverse construction stage impacts. The applicant has submitted an outline construction management plan which details that access to the laneway will be strictly controlled during the demolition and construction phase and that it will not be used as a route for the delivery of materials. I am satisfied that the construction phase impacts will be short term and temporary in nature and that adverse impacts can be minimised through submission of a detailed construction management plan and control on the hours of activity. This can be addressed by way of condition.

Legal Issues

7.4.3 A number of legal issues are raised the appellants regarding the management company and the right of way. It is considered that these issues are a civil matter and outside the scope of this assessment.

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, an infill apartment scheme 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, to the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development

would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. 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. Water supply and drainage arrangements, including the 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.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

4. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and off-site disposal of construction/demolition waste.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. 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.

7. The proposed eastern elevation shall be finished in brick to match the southern, western and northern elevations of the proposed development.

Reason: In the interest of residential amenities.

8. Proposals for an apartment numbering and naming scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment numbers/name shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

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 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 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.

Erika Casey

Senior Planning Inspector

19th April 2018