



An  
Bord  
Pleanála

## Inspector's Report ABP-300911-18

### Development

Two detached dwellings within the side and rear garden of existing house. This includes 1 two bedroom dwelling (of 90.2 sq.m. in floor area) taking access from Johnstown Road and 1 four bedroom dwelling (130 sq.m. in floor area) with access from Granitefield. A new gate and driveway is proposed at both proposed entrances. The development will include associated drainage, landscaping and all associated site development works.

### Location

108 Granitefield, Dún Laoghaire, Dublin 18.

### Planning Authority

Dún Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D17A/0627

### Applicant(s)

Genevieve Rees Brennan

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Dermot O'Connor Robin Newport
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	25 <sup>th</sup> June, 2018
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located within an established residential area, approximately 200m southwest of the junction of Rochestown Avenue with Johnstown Road, in the suburb of Johnstown / Rochestown between Cabinteely and Sallynoggin, Co. Dublin, where it occupies a corner plot at the junction of the Granitefield estate road with Johnstown Road. The surrounding area is characterised by conventional suburban housing which predominantly comprises two-storey semi-detached dwelling houses of varying designs, although there are a number of other housing styles within the wider area including two-storey detached properties arising from plot subdivisions such as at the junctions of Oakdale / Johnstown Road and Rochestown Avenue / Johnstown Road. The site itself has a stated site area of 0.07 hectares, is irregularly shaped, and is presently occupied by a semi-detached two-storey property with a single storey annex to the gable end of same.

## 2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the subdivision of the overall plot of No. 108 Granitefield to facilitate the construction of 2 No. contemporarily designed, detached dwelling houses in the rear and side garden areas of same with independent vehicular accesses serving both the existing and proposed properties.
- 2.2. House No. 1 will be situated within the side garden area of the existing dwelling house and will follow the established building line to the southeast along Granitefield. Its overall design is based on a principle rectangular plan and will utilise a two and a half storey construction to provide a stated floor area of 130.3m<sup>2</sup>. Notable features of the contemporary design proposed include the use of an asymmetrical roof construction with a flat-roofed box dormer window to the rear. External finishes will include grey concrete rooftiles, a standing seam metal roof, selected coloured / painted render, grey render, timber shingles, painted timber windows, and the feature use of black brickwork. Access to the proposed dwelling will be obtained directly from the Granitefield service road via the widening of the existing entrance arrangement serving No. 108 Granitefield

- 2.3. House No. 2 will be located to the rear of the existing dwelling house (and House No. 1) and will face onto Johnstown Road. In this regard it should be noted that the proposed dwelling will be stepped forward of the established building line to the northeast along Johnstown Road in order to provide for a staggered construction when taken in context with side gable of House No. 1 and the adjacent property at No. 25 Johnstown Road. Its overall design is based on a principle rectangular plan and will utilise a two storey construction to provide a stated floor area of 90.2m<sup>2</sup>. It is also of a contemporary design although it will utilise a conventional pitched roof construction in tandem with a flat-roofed element (as amended in response to a request for further information). External finishes will similarly include grey concrete rooftiles, a standing seam metal roof, selected coloured / painted render, grey render, timber shingles, painted timber windows, and the feature use of black brickwork. Access to the proposed dwelling will be obtained from Johnstown Road via the widening of an existing pavement crossover to provide for a new entrance arrangement.
- 2.4. Associated site development works will include the construction of a new independent entrance arrangement from the estate service road to serve the existing dwelling house at No. 108 Granitefield. Water and sewerage services are available from the public mains network.
- 2.5. A series of relatively minor amendments were made to the overall design and layout of the proposed development in response to a request for further information which include the repositioning of the boundary wall between House No. 1 and the existing dwelling, the revision of the fenestration arrangement serving the first floor rear bedroom within House No. 2, a number of elevational changes, and the lowering of the overall ridge height of House No. 2.

*N.B.* The subject application was accompanied by an application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, and it is my understanding that this was subsequently granted by the Planning Authority pursuant to PA Ref. No. V/098/17.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 24<sup>th</sup> January, 2018 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 13 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, entrance design, surface water drainage and development contributions.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report noted the site context and the applicable policy considerations and stated that the provision of the additional dwelling houses would be acceptable in principle. It subsequently reviewed the merits of the proposed development and proceeded to identify a number of issues, including the adequacy of the private open space provision serving House No. 1, the treatment of the south-western elevation of House No. 2, and discrepancies in the submitted drawings as regards building heights, however, it was also considered that the proposal would be acceptable in terms of its impact on visual and residential amenity and that it would not have any significant adverse impact on the amenity of adjacent properties by reason of overlooking or overshadowing. The report thus concluded by recommending that further information be sought in respect of a number of items, including the adequacy of the proposed entrance / car parking arrangements.

Following the receipt of a response to a request for additional information, a further report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

*Drainage Planning, Municipal Services Department:* No objection, subject to conditions.

*Transportation Planning:* An initial report noted that the siting of the proposed entrance arrangements was acceptable, however, it also raised a number of concerns with regard to drainage and the adequacy of the parking provision, including the ability of vehicles to safely manoeuvre to and from the proposed parking areas. However, following consideration of the applicant's response to a request for further information, a subsequent report was prepared which recommended a grant of permission, subject to conditions.

### 3.3. **Prescribed Bodies**

*Irish Water:* No objection, subject to conditions.

### 3.4. **Third Party Observations**

3.4.1. A total of 8 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Concerns with regard to traffic safety and the potential for increased congestion at the junction of Granitefield / Johnstown Road.
- The overall design of the proposed development is not in keeping with the area.
- The excessive height and overbearing appearance of the proposed dwellings.
- Non-conformance with the established building line along Johnstown Road.
- Adverse impact on the residential amenity of neighbouring property by way of overlooking and overshadowing.
- Overdevelopment of a confined site.
- The subdivision of the site would be out of character with the established pattern of development in the surrounding area.
- The proposal would be contrary to the relevant land use zoning objective which seeks *'To protect and / or improve residential amenity'*.
- The inadequacy of the proposed on-site parking arrangements.

- The proposal will contribute to an excessive density of development in the surrounding area.
- There is no need for additional housing in the area given the recorded vacancy rates.
- Concerns with regard to the future maintenance / management of the common areas.
- Undesirable precedent for similar development in the area.
- Devaluation of property.

## 4.0 Planning History

### 4.1. On Site:

None.

### 4.2. On Adjacent Sites:

None.

### 4.3. On Sites in the Immediate Vicinity:

PA Ref. No. D12A/0394. Was granted on 30<sup>th</sup> November, 2012 permitting Tom Day permission for a development consisting of the construction of 1 No. detached 2 storey 4 bedroom dwelling with new vehicular entrance from Johnstown Park including all associated site works, all on site of c. 0.034 hectares to side of 39A, Johnstown Park, Dun Laoghaire, Co. Dublin.

PA Ref. No. D07A/0657. Was granted on 15<sup>th</sup> October, 2007 permitting Sean Haughton permission for the construction of a two storey detached 3-bed family dwelling and associated site works and sub-division of the existing plot at 146, Rochestown Avenue, 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

- 5.2.1. **Dún 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

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

- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.7km east of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 3.8km 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 3.0km north-northwest of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. *Dermot O'Connor:*

- The proposed development will have a detrimental impact on the amenity of the appellant's rear garden area thereby resulting in the devaluation of his property.
- With regard to House No. 2:
  - The first floor bedroom windows are located only 6.95m from the appellant's boundary wall. This deficiency was acknowledged by the

Planning Authority in its request for further information wherein it sought the replacement of the single first floor window with 2 No. smaller windows, however, this new arrangement does not serve to reduce the level of intrusion likely to be experienced within the appellant's neighbouring patio area and does not comply with the 11m separation distance required by the planning regulations.

- The extent of glazing at ground floor level within the rear elevation which will face onto the appellant's boundary wall will deprive both the appellant and the future occupants of the proposed dwelling house of an adequate level of privacy.
- The boundary wall which will separate the proposed development from the appellant's property is of a brickwork construction and only extends to a height of 1.2m. This will not provide a sufficient barrier.
- The overlooking of the appellant's property will result in an associated devaluation of same.
- The appellant has invested heavily in the maintenance and improvement of the amenity value of his private garden space and patio area, however, the construction and proximity of the proposed development will result in the disruption and ultimate loss of the privacy and tranquillity presently enjoyed in this area.
- The appellant has been advised that the proposed development may have a detrimental impact on his health.
- The traffic and parking implications associated with the proposed housing given the location of same at a busy junction onto a main road serving Cabinteely village are very questionable.
- An alternative solution would be to access House No. 1 from Johnstown Road (as opposed to via Granitefield) which, in addition to the omission of House No. 2, would remove the neighbourhood's concerns as regards traffic and parking.

6.1.2. Robin Newport:

- The proposed development is of a speculative nature.
- The provision of 2 No. additional dwelling houses (with a combined floor area of 220m<sup>2</sup>) on an individual housing plot with a 'compromised' side garden area constitutes an overdevelopment of the application site.
- The County Development Plan envisages one additional dwelling house within a suitable side garden area (subject to adherence to the provisions of Policy RES 4 and all other development management criteria). It does not anticipate the provision of 2 No. additional dwellings. In this respect it is further submitted that the subject side garden area is not of such an exceptional size as could be considered capable of accommodating 2 No. additional dwelling houses.
- The provision of 4 No. bedrooms within House No. 1 is only achievable by including a single storey element which will extend 3.5m beyond the rear building line established by the properties along Granitefield and through the insertion of a large dormer window within the rear elevation in order to serve a third storey of accommodation which will also necessitate an overall roof ridge height 0.368m higher than that of adjacent buildings along Granitefield.
- There is a minimal separation distance of 900mm between the side elevation of House No. 1 and the existing dwelling house at No. 108 Granitefield.
- House No. 1 will block light from a side window within the ground floor of No. 108 Granitefield thereby unacceptably compromising the amenities of that property.
- Given the siting of House No. 1 along the boundary shared with No. 108 Granitefield, it is unclear how the south-eastern elevation of the new construction will be maintained.
- At its narrowest point, there is a separation distance of only 900mm between House No. 1 and the boundary with Johnstown Road and thus access to the rear of the proposed property will be compromised.
- The rear garden area of House No. 1 is 7.3m - 8.6m in depth and is positioned to the north of same. In this regard it should be noted that whilst

the Development Plan allows single storey dwelling houses to be provided with garden areas which are only 7m in depth where no other option is available, it is considered that the garden area intended to serve the three-storey House No. 1 is unacceptably compromised by reference to its depth and orientation given that the house in question will be three-storeys in height.

- The car parking arrangement intended to serve House No. 1 and No. 108 Granitefield is aesthetically unpleasing and will be difficult to administer in practice given that the property owners will have to co-operate over usage and maintenance etc. of the communal parking space.
- Notwithstanding the auto-track analysis provided in response to the request for further information issued by the Planning Authority, it is considered that there is deficient space available to provide for the normal manoeuvring of vehicles to and from the proposed car parking arrangements. Moreover, there is a danger that traffic movements to / from the site will be so cumbersome that residents will instead choose to park alongside the adjacent roadway or on the grass verge thereby obstructing the sightlines at the junction of Granitefield / Johnstown Road and giving rise to a traffic hazard.
- The presence of double-yellow lines at the junction of Granitefield / Johnstown Road is further evidence of the importance of maintaining this area free from obstruction.
- Having regard to the overall size / floor area of House No. 2, it is considered that the applicant has sought to maximise the scale of the proposed development to the detriment of the local environment.
- In order to achieve a floor area of 90m<sup>2</sup>, the two-storey element of House No. 2 projects forward of the established building line along Johnstown Road whilst the rear garden depth is below the 7m requirement for a single storey dwelling house as set out in the Development Plan.
- The subject application has not been accompanied by an analysis of the potential for the proposed development to result in the overshadowing of the appellant's property at No. 25 Johnstown Road.

- The inclusion of a front doorway and bedroom window within the north-eastern elevation of House No. 2, when taken in conjunction with the proposed positioning of that dwelling on site, will have a significant detrimental impact on the amenity of the appellant's adjacent property.
- House No. 2 will significantly impinge on the established building line along Johnstown Road.
- The proposed siting of House No. 2 could be held to have some of the characteristics of a backland site, however, the subject proposal does not satisfy a number of the relevant standards set out in the Development Plan and, therefore, it is submitted that the proposed development site does not have the capacity to accommodate the provision of House No. 2.
- With regard to the applicant's suggestion that the proposed development will serve to 'book-end' the block of housing between Rochestown Avenue and Granitefield in a manner similar to that in place at the junction of Rochestown Avenue / Johnstown Road, it should be noted that the additional dwelling house developed at No. 146 Rochestown Avenue pursuant to PA Ref. No. D07A/0657 occupies the former side garden area of the original property and that whilst it faces onto Rochestown Road efforts were made to 'wrap' the development around the corner plot onto Johnstown Road. Furthermore, the rear elevation of the new dwelling is situated c. 15m from the adjacent boundary with No. 1 Johnstown Road. Therefore, if the applicant is seeking to provide for a 'book-end' at Granitefield an arrangement similar to that permitted under PA Ref. No. D07A/0657 should be considered and House No. 2 omitted accordingly.
- Whilst the case planner is of the view that the building line of House No. 2 will mediate between the side elevation of House No. 1 and No. 25 Johnstown Road, it is submitted that the 2 No. proposed dwelling houses present differing building lines along different axis onto Johnstown Road which will give rise to a haphazard appearance when viewed from Johnstown Road.
- Having regard to the overall design and layout of the proposed development, it is considered that the proposal constitutes an overdevelopment of the site.

## 6.2. Applicant's Response

- The subject proposal seeks to develop a new house to the side of the existing dwelling at No. 108 Granitefield with a second house to address Johnstown Road so that the development will read as a 'book-end' to the adjoining terrace similar to that previously granted permission at the junction of Rochestown Avenue / Johnstown Road pursuant to PA Ref. No. D07A/0657.
- The Planning Authority is of the opinion that the proposed development is acceptable in principle and accords with its policy to densify existing built-up areas.
- With regard to House No. 1, the case planner has noted that the length of the back garden area is appropriate and that there are no opposing windows as regards the potential for overlooking of neighbouring property. It was further stated that:

*'In terms of design, it is considered that the proposed dwelling, which incorporates a split level pitched roof design, both reflects design aspects of the existing streetscape as well as incorporating a contemporary style. In addition, the northwest side elevation of the dwelling is considered to address Johnstown Road in a positive manner and is considered appropriate at this junction between Johnstown Road and the Granitefield estate road. The design also includes an attic level standing seam metal dormer element within the rear roof slope. It is considered that the dormer element is in keeping with the scale and design of the dwelling. It is also noted that there are relatively large attic dormer elements within the rear roof slopes of dwellings on adjoining sites'.*

The report also stated the following:

*'In terms of streetscape, it is considered that the dwelling design and scale is generally acceptable at this prominent street corner location'.*

- With respect to the design and layout of House No. 2, including the size of its garden area, the set back from the adjoining roadway, and its compliance with the relevant development management standards, the case planner

concluded that the submitted proposal was acceptable. He also stated the following:

*'In terms of design, it is considered that the proposed dwelling, which incorporates a split level pitched roof design, both reflects design aspects of the existing streetscape as well as incorporating a contemporary style. In terms of streetscape context, it is considered that the dwelling design and scale is generally acceptable at this location. While it is noted that the dwelling will be stepped forward over 5m to the front of No. 25 Johnstown Road, having regard to the 3.6m set back of the front of the proposed house from the party boundary and noting the stepped building line created between proposed houses Nos. 1 & 2, it is considered that the dwelling as proposed at this location is acceptable in this instance'.*

- In relation to the remaining level of amenity for the original dwelling house on site consequent on the proposed development, the case planner has stated the following:

*'For the existing dwelling, the applicant is proposing to retain a private rear garden area of over 100sqm. This is considered acceptable. The applicant is also proposing a new vehicular entrance to serve the existing dwelling with two off-street parking spaces also indicated. Overall, it is considered that an acceptable level of amenity is being maintained for the existing dwelling'.*

- The Planning Authority has concluded that the proposed development is acceptable in terms of its impact on visual and residential amenity and will not result in any significant adverse impact by way of the overlooking or overshadowing of adjacent property.
- With regard to the third party appeal lodged by Mr. Dermot O'Connor and the concerns raised therein that the proposed development would have a detrimental impact on the amenity value of his rear garden area, the Board is advised that revised proposals were submitted in response to a request for further information issued by the Planning Authority which provided for the replacement of the bedroom window facing his property with 2 No. smaller windows glazed in obscure glass. It is considered that these changes will prevent any overlooking of the end of the appellant's rear garden area whilst it



should also be noted that the garden in question is already overlooked by housing on both sides.

- The reference to the proposed development as being of a 'speculative' nature is of no relevance to the appeal.
- The suggestion that the proposal amounts to 'overdevelopment' is rejected. The application site occupies an unusually large corner plot with frontage onto the adjacent main road whilst the proposed housing complies with the applicable standards. Furthermore, the development proposed accords with the overall policy objective to densify built-up areas where services and public transport are available.
- With regard to the three-storey construction of House No. 1, it is generally accepted from an urban design perspective that a corner property should be visually 'strong' and may possibly accommodate a higher / larger building as is the case in the subject instance. In this respect it is also submitted that the design of the proposal is of a high quality which makes a positive contribution to the streetscape along Johnstown Road.
- Whilst the garden area serving House No. 1 is located to the north of same, it will nevertheless receive morning sun from the east and evening sun from the west. In addition, when the sun is from the south and at its highest, the rear garden area will also receive direct sunlight. The same considerations apply in respect of the existing dwelling house.
- The proposed car parking arrangement will be in keeping with the surrounding pattern of development and the appellant's concerns as regards the access to same are rejected.
- The suggestion that House No. 2 occupies a backland location is rejected given that the site retains frontage onto a public road with a wider than usual footpath and grass margin.
- It is not accepted that the building lines proposed alongside Johnstown Road will give rise to a haphazard appearance. The proposal is of a high quality design and the architects are to be commended for their efforts in creating an attractive streetscape at this location.

- The subject proposal complies with the overall policy objective in the County Development Plan and the provisions of the National Planning Framework to densify the built-up areas of towns and cities.

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

- The Board is referred to the Planner's Report on file and it is further submitted 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.

### 6.5. **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
- Traffic implications
- 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, including the site context and land use zoning, and noting that permission has previously been granted for comparable infill development in the surrounding area (with particular reference to PA Ref. No. D12A/0394 at No. 39A Johnstown Park and PA Ref. No. D07A/0657 at No. 146 Rochestown Avenue), 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. The proposed development involves the construction of 2 No. contemporarily designed dwelling houses within the side and rear garden area of an existing property which occupies a prominent corner plot at the junction of Granitefield / Johnstown Road and in this respect concerns have been raised as regards the relationship of the proposal with neighbouring properties and whether it is in keeping

with the overall character of the surrounding area, including the established pattern of development, with particular reference having been made to the overall design and height of the proposed dwelling houses and their siting relative to the established building line along Johnstown Road.

7.3.2. With regard to the overall design of the proposed dwelling houses, whilst I would acknowledge that the submitted proposal is somewhat more contemporary in appearance than the prevailing pattern of development and that the ridge height of House No. 1 (arising from its two-and-a-half storey construction) will exceed that of the neighbouring housing along both Granitefield and Johnstown Road, having regard to the site context, it is my opinion that the overall design of the proposed development is acceptable and does not unduly impinge on the prevailing character of the wider area. In this respect I am in broad agreement with the analysis of the Planning Authority and the case put forward by the applicant that the submitted design, with particular reference to House No. 1, will serve to 'book-end' the existing block of housing at the junction of Granitefield / Johnstown Road in a manner similar to that previously approved (and constructed) at the junction of Rochestown Avenue / Johnstown Road (i.e. No. 146 Rochestown Avenue) pursuant to PA Ref. No. D07A/0657. In effect, given the prominent location of the site at the junction of Granitefield / Johnstown Road, I would accept that the overall design and increased height of the proposal will serve to provide for greater visual definition of this corner site and will make a positive contribution to the wider streetscape. Moreover, I am satisfied that the proposal represents an appropriate design response to the site context and achieves a suitable balance between the need to respect the established character of the area and the desire to provide a visually distinctive contemporary design.

7.3.3. In addition to the foregoing, I would advise the Board that the adjacent properties at No. 109 Granitefield and No. 25 Johnstown Road have each converted their respective roofspaces through the insertion of a box dormer window to the rear of same and / or the raising of the roof ridge height and, therefore, the 'two-and-a-half storey' construction of House No. 1 should not be viewed as overtly out of character with the surrounding area. Furthermore, whilst I would accept that the gable elevation of House No. 1 will be noticeably forward of the established building line along Johnstown Road to the immediate northeast of the application site, in my

opinion, the siting of House No. 2 provides for an appropriately staggered transition between the existing and proposed housing without detriment to the visual amenity of the area. It should also be noted that efforts have been made in the design of the of House No. 1 to enliven the overall visual appearance / quality of the gable elevation which will face onto Johnstown Road.

7.3.4. In reference to other concerns raised as regards certain aspects of the overall layout of the proposal, I am satisfied that adequate provision has been made for pedestrian access to the rear of House No. 1 (& No. 2) and the existing property at No. 108 Granitefield whilst I would suggest that the future management / maintenance of the communal parking area to the front of those properties would amount to a civil matter between the parties concerned.

7.3.5. Therefore, on the basis of the available information, and having conducted a site inspection, I am satisfied that the overall design and layout of the submitted proposal is acceptable and does not constitute an overdevelopment of the site.

#### 7.4. **Impact on Residential Amenity:**

7.4.1. Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, whilst I would acknowledge that the infill nature of the proposed development has the potential to give rise to overlooking with a consequential loss of residential amenity, having regard to the site context within a built-up urban area and the surrounding pattern of development, I am inclined to suggest that the overall scale, design, positioning and orientation of the proposed dwelling houses has taken sufficient cognisance of the need to preserve the residential amenity of neighbouring housing and will not give rise to any significant detrimental impact on same by reason of overlooking. In support of the foregoing, I would draw the Board's attention in the first instance to the relationship between House Nos. 1 & 2 in that the absence of any windows within the south-western side elevation of House No. 2 avoids the potential for overlooking of House No. 1, which could otherwise be attributable to an inadequate separation distance between directly opposing first (or second) floor windows, and thus allows for a reduced rear garden depth serving House No. 1.

Furthermore, the positioning of House No. 1 serves to avoid any direct views over the rear private amenity area of House No. 2.

- 7.4.2. With regard to the relationship between House No. 2 and the adjacent dwelling at No. 25 Johnstown Road, I note that there are no first floor windows proposed within the gable wall of House No. 2 which would directly oppose the existing windows within the adjacent property and that the only window at first floor level within the north-eastern elevation of House No. 2 will be positioned forward of the established building line along Johnstown Road (thereby orientated towards an area which is already overlooked from a public area) and will be glazed in obscured glass.
- 7.4.3. In respect of the potential for House No. 2 to have an adverse impact on the levels of privacy presently enjoyed within the rear garden area of No. 109 Granitefield, I would advise the Board that there is a separation distance of c. 8.5m between the first floor rear elevation of the proposed dwelling house (which is recessed behind the ground floor building line) and the shared site boundary. Furthermore, whilst the proposal as initially submitted to the Planning Authority included for a large (c. 2m in width) first floor bedroom window within the rear elevation of House No. 2, this was replaced with 2 No. smaller windows in response to a request for further information in an effort to reduce the potential for overlooking. Notably, in response to the grounds of appeal the applicant has also indicated that these 2 No. smaller windows will be glazed in obscure glass.
- 7.4.4. Whilst I would accept that the amended design of House No. 2 as received by the Planning Authority on 19<sup>th</sup> December, 2017 has sought to reduce the potential for overlooking of the amenity space of No. 109 Granitefield and that the proposal to glaze the relevant windows in obscure glass will further serve to mitigate the appellant's concerns, I would have some reservations as regards the consequential impact of the changes proposed on the level of amenity likely to be enjoyed by the occupants of the bedroom in question. Therefore, I would suggest that a revised fenestration arrangement serving Bedroom No. 1 within House No. 2 should be considered whereby use could be made of a combination of approaches, such as the provision of rooflights or elongated / strip windows positioned at a suitable height over floor level, or even perhaps the inclusion of windows on the gable elevations with obscure glazing and limited to a top-hung pivot, which would simultaneously serve to provide an increased level of amenity and natural light to Bedroom No. 1

whilst adequately preserving the privacy of the amenity space of the adjacent property.

- 7.4.5. In addition to the foregoing, I would suggest that a condition should also be included in any decision to grant permission requiring the provision of appropriate boundary treatment on site to further preserve the amenity of adjacent properties.
- 7.4.6. In relation to the potential for the proposed development to give rise to a loss of light or overshadowing of the neighbouring dwelling house at No. 25 Johnstown Road, having regard to the siting of the proposed development relative to this property, whilst I would accept that there is a likelihood of some degree of impact, I would suggest that any such effect must be taken in context. In this regard, it is of relevance to note the separation distance of c. 4.5m between House No. 2 and the opposing first floor gable windows of No. 25 Johnstown Road whilst cognisance should also be taken of the siting of the proposed construction relative to the appellant's dwelling house as it will not be positioned directly due south of same. In addition, it would appear from a review of the planning history of the area, including the survey drawings of comparable properties (such as have been provided with the subject application), that the first floor windows within the south-western elevation of No. 25 Johnstown Road serve a stairwell and a bathroom and that such spaces would not typically be afforded the same level of amenity as living accommodation / bedroom areas. It should also be noted that the windows will continue to benefit from sunlight / daylight throughout a considerable proportion of the day, notwithstanding any interruption or diminution of same consequent on the proposed development.
- 7.4.7. In reference to the overshadowing of the ground floor window within the gable end of the existing dwelling house at No. 108 Granitefield, given that the owner of this property has consented to the subject application and as the window in question serves a kitchen area (which would not normally be afforded the same level of amenity as living accommodation and as any diminution in natural light could be resolved in part through the provision of a new window within the rear elevation of the property), I am satisfied that any such loss of amenity would not warrant a refusal of permission.

7.4.8. Accordingly, on balance, I would suggest that any reduction in the amount of direct sunlight received by neighbouring properties consequent on the subject proposal would not be of such significance as to warrant a refusal of permission.

7.4.9. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that any construction traffic routed through same could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5. **Traffic Implications:**

7.5.1. The proposed development includes for the widening of the existing entrance arrangement serving No. 108 Granitefield to provide for access to House No. 1 whilst an entirely new replacement entrance will be opened onto the estate roadway further away from the junction of Granitefield / Johnstown Road in order to serve the existing dwelling house. In addition, it is proposed to open a new access point onto Johnstown Road (alongside the existing entrance / pavement crossover serving the neighbouring property to the immediate north) to provide access to House No. 2. In this respect whilst I would acknowledge the appellant's concerns with regard to the adequacy of the sightlines available from the individual driveways / off-street parking arrangements serving each of the proposed dwelling houses, with particular reference to vehicles reserving from same onto the public roadway, and the ease of manoeuvrability to / from same, it should be noted that the proposed access arrangements are essentially directly comparable to those serving existing housing in the immediate site surrounds. Furthermore, I am inclined to suggest that the sightlines available from each of the proposed access points are within acceptable limits, particularly in light of the lower traffic speeds expected to be experienced along the Granitefield estate road.

7.5.2. With regard to the adequacy of the on-site parking arrangements, I would refer the Board to the requirements set out in Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan wherein it is stated that parking should



be provided at a rate of 1 No. space per 2-bed unit and 2 No. spaces per 3-bed unit+. The proposed development has included for the provision of 2 No. dedicated parking spaces to serve House No. 1 (4-bed) in addition to 1 No. parking space for House No. 2 (2-bed) whilst it is also proposed to provide 2 No. spaces to accommodate the current parking requirements of the existing dwelling house at No. 108 Granitefield. Accordingly, the subject proposal adheres to the requirements of the Development Plan.

- 7.5.3. Whilst I would concede that there will be limited space within the respective curtilages of Proposed House No.1 and the existing residence at No. 108 Granitefield to accommodate the manoeuvring of vehicles and that difficulties could potentially arise depending on the size of the vehicles involved, in light of the available information, including the autotrack sweep-path analysis undertaken by the applicant, I am inclined to conclude that the submitted proposal satisfies the requirements of the Development Plan and that the proposed car parking and associated site access arrangements are acceptable.
- 7.5.4. In relation to the wider traffic impact of the proposed development, whilst I would acknowledge the restricted carriageway width of the access road serving the Granitefield estate and the incidences of on-street parking which serve to disrupt or interfere with the movement / free-flow of traffic along same, having regard to the limited scale of the development proposed, the adequacy of the proposed off-street parking arrangements, and the likely traffic volumes and speeds along this section of roadway, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic consequent on the proposed development and that the subject proposal does not pose a risk to traffic / public safety.
- 7.5.5. Therefore, on balance, I am satisfied that the proposed car parking and associated access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.6. **Appropriate Assessment:**

- 7.6.1. 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.

## 7.7. **Other Issues:**

### 7.7.1. **Private Open Space Provision:**

Having reviewed the provisions of Section 8.2.8.4: '*Private Open Space – Quantity*' of the County Development Plan and the amended site layout plan submitted in response to the request for further information, I am satisfied that the subject proposal includes for adequate private open space provision.

In reference to the concerns raised as regards the depth of the proposed rear garden areas and the associated relationship of the dwelling houses with neighbouring properties and their respective private open space / garden areas, it is my opinion that whilst the proposal does not achieve the separation distances sought by the Development Plan, the specifics of the submitted design proposal, subject to conditions, will not have any significant adverse impact on the residential amenity of adjacent properties by reason of overlooking or overshadowing.

## 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 granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

## 9.0 **Reasons and Considerations**

9.1. Having regard to the land use zoning of the site in the current Development Plan for the area, to the infill nature of the site, to the design and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would represent an appropriate residential density and otherwise comply with the provisions of the Development Plan, and would be acceptable in terms of pedestrian and traffic 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> day of December, 2017, 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. The proposed development shall be amended to provide for an alternative fenestration arrangement to serve Bedroom No. 1 of House No. 2 in order to provide for a reasonable level of amenity for the benefit of the occupants of that bedroom and to satisfactorily preserve the residential amenity of the adjacent property to the southeast. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure that a reasonable level of amenity is provided for the benefit of the occupants of the dwelling and in the interests of residential amenity.

3. 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.

4. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

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. Roof colour shall be blue-black, black, or dark grey in colour only (including ridge tiles).

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

6. All bathroom, WC and en-suite windows shall be fitted and maintained with permanently obscured glazing.

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

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, complete details of all proposed boundary treatment within and bounding the proposed development site.

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

8. The proposed vehicular site entrances shall not exceed more than 3.5 metres in width. Gates at the entrance shall be designed so that they are not capable of being opened outwards.

**Reason:** In the interests of pedestrian and traffic safety.

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 take place within the curtilage of the dwelling houses, 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 houses and in the interest of residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

11. 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 waste.

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

12. 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.

---

Robert Speer  
Planning Inspector

29<sup>th</sup> June, 2018