



An  
Bord  
Pleanála

## Inspector's Report ABP-301089-18

### Development

Demolition of garage & construction of one 2.5 storey over ground level (3 storey total) detached dwelling house with underground basement to the side of an existing dwelling house. Alterations to the existing boundary wall to form a new car entrance. 2 new car parking spaces onsite. Connection to public water and foul networks. All ancillary sewerage, drainage, landscaping and ancillary works.

### Location

9, Rathdown Villas, Terenure, Dublin  
6w

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB1473/17

### Applicant(s)

Mary Keating.

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission subject to conditions

### Type of Appeal

Third Party

**Appellants**

Mary Walsh,  
Barry & Bairbre Redmond, Leo &  
Marina Casey, Prof Marcus & Mrs  
Janet Webb, Aileen & Richard  
Redmond, Dympna Glendenning,  
Frank & Annette Kenny, Hilary & Pat  
McDevitt. Ian & Fionnuala Kelleher.

**Observer(s)**

Terenure Residents Association.

**Date of Site Inspection**

4<sup>th</sup> July 2028.

**Inspector**

Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 625m<sup>2</sup> comprises a residential dwelling site no 9 Rathdown Villas, Terenure. The area is a well-established residential area to the southeast of Terenure Village characterised by detached and semi-detached properties on relatively large plots. The area of Rathdown Park, Rathdown Crescent and Rathdown Avenue and Rathdown Villas date from the interwar period 1920-1940 and comprise two storey houses finished in brick timber and dashed render.
- 1.2. The appeal site is occupied by a semi-detached dwelling and originally occupied the end of a cul de sac which was subsequently extended to incorporate 6 additional dwellings. An ESB station adjoins the northern boundary of the site and the roadway serving the more recent dwellings turns abruptly to the northwest around the site.

## 2.0 Proposed Development

- 2.1. The application seeks permission for demolition of a 27m<sup>2</sup> garage and construction of a 153m<sup>2</sup>, two storey over basement dwelling. Alterations are proposed to the existing boundary wall to form a new vehicular entrance and provide for two car parking spaces on site. Servicing is by way of connection to public water and foul networks and permission is sought for all ancillary sewerage, drainage and landscaping works. Proposed external finish as clarified in response to the Council's request for additional information is by way of 2 different brick textures separated by a protecting corbel line and a flat sedum roof is provided.
- 2.2. I note some amendments were made to the proposed design in the response to the request for additional information providing for elimination of windows to the upper floor northern elevation and alterations to the footprint to provide for a sheltered external space to the rear of the proposed dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 By order dated 7<sup>th</sup> February 2018, Dublin City Council issued notification of its decision to grant permission and 8 conditions were attached, which included the following:

Condition 2. Development Contribution €10,886.40

Condition 3. Proposed new vehicular access to be omitted. The existing vehicular access may be used as a shared access. Revised drawings to be submitted.

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

#### **3.2.1. Planning Reports**

3.2.1.1 Planner's report asserts that the overall design approach is appropriate however considering the zoning of the site and proximity to established dwelling No 15 it is important to ensure that the large blank facade facing north is constructed in a material that would complement the existing character and setting of the area. Concern regarding private open space provision. Second report indicates satisfaction with the proposal and recommends permission subject to conditions.

#### **3.2.2. Other Technical Reports**

3.2.2.1 Roads and Traffic Planning Division. No objection to new dwelling however concern regarding proposed entrance due to proximity to sharp bend resulting in restricted visibility. A shared entrance would be considered.

3.2.2.2 Engineering Department Drainage Division. No objection subject to compliance with Greater Dublin Region Code of Practice for Drainage works Version 6.0.

### **3.3. Third Party Observations**

3.3.1 A number of submissions from nearby residents object to the development on grounds of architectural heritage impact on a constrained and truncated side garden

within a conservation area. Proposal contrary to the coherent architectural character, represents overdevelopment resulting in insufficient private open space. Significant impact on no 15 Rathdown Villas and No 8. Speculative Development.

## 4.0 Planning History

4.1 There is no planning history on the appeal site. I note a number of recent decisions by the Board in relation to sites in the vicinity including:

**PL29S248289** Permission granted for single storey two bedroom house, a subdivision of the rear garden of No 35 Rathdown Park.

**PL29S246259** Refusal of permission for single storey two bedroom dwelling a subdivision of the rear garden of N35 Rathdown Park. Refusal reasons based on configuration and layout resulting in adverse impact on the amenities of adjoining property and on the established character and pattern of development in the area,

**ABP300518-17** 2 Storey dwelling on site to rear of 38 and 40 Rathdown Park. Refused on grounds of injury to the visual character and architectural coherence of the residential conservation area.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022.

- The site is within an area zoned Z2 “To protect and/or improve the amenities of residential conservation areas.” Residential conservation areas have extensive groupings of buildings and associated open space with an attractive quality of architectural design and scale. The overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals both protected and non-protected.
- **Policy CHC4** seeks to protect the special interest and character of Conservation areas. Development within or affecting conservation areas must contribute positively

to its character and distinctiveness and take opportunities to protect the character and appearance of the area and its setting.

- **Section 16.10.10 Infill housing.** The Planning Authority will allow for the development of infill housing on appropriate sites. In general infill housing should comply with all relevant development plan standards for residential development, however in certain limited circumstances the Planning Authority may relax normal planning standards in the interest of ensuring that vacant derelict and underutilised land in the inner and outer city is developed.
- **Section 16.10.9 Corner / Side Garden Sites** The development of a dwelling or dwellings in the side garden of an existing house is a means of making the most effective use of serviced residential lands. Such developments when undertaken on suitable sites and to a high standard of design can constitute valuable additions to the residential building stock of an area and will generally be allowed for by the Planning Authority on suitable large sites. However some corner / side gardens are restricted to the extent that they would be more suitable for extension into a larger family home rather than to create a poor quality independent dwelling, which may also compromise the quality of the original house. The Planning Authority will have regard to the following criteria in assessing proposals for development in corner / side garden sites:
  - The character of the street
  - Compatibility of design and scale with adjacent dwellings paying attention to the established building line, proportion, heights, parapet levels and materials of adjacent buildings
  - Impact on residential amenity of adjacent sites
  - Open space standards and refuse standards for both existing and proposed dwellings
  - The provision of appropriate car parking facilities and a safe means of access to and egress from the site
  - The provision of landscaping and boundary treatments which are in keeping with other properties in the area.
  - The maintenance of front and side building lines where appropriate.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Kieran O Malley and Co Ltd on behalf of Mary Walsh, 3 Rathdown Villas, Barry & Bairbre Redmond, 3 Rathdown Villas. Leo & Marina Casey, 4 Rathdown Villas, Prof Marcus & Mrs Janet Webb, 5 Rathdown Villas., Dympna Glendenning, 8 Rathdown Villas. Frank & Annette Kenny, 11 Rathdown Villas, Hilary & Pat McDevitt, 14 Rathdown Villas and Ian & Fionnuala Kelleher, 15 Rathdown Villas. Grounds of appeal are summarised as follows:

- Note ABP300518-17 in relation to nearby proposal at 38 Rathdown Villas. The Board considered that proposal would injure the visual character and architectural coherence of this residential conservation area and injure the amenities of property in the vicinity.
- Overdevelopment of a constrained side garden.
- Proposal would materially contravene the zoning objective for residential conservation areas and policy CHC4
- Proposed dwelling exhibits none of the characteristics of 1-9 Rathdown Villas and is wholly out of character and scale.
- Contrasting style results in incongruous visual impact.
- Triangular shape of the constrained side garden site further distorts the character of the dwelling relative to Nos 1-9.
- Incongruous bulk scale and profile. Side elevation is an oppressive feature in the streetscape. Front elevation would detract from the symmetry and character of the streetscape.
- Proposal would brutally contrast with the character of the existing dwellings.
- Open space is inadequate. Revised ground floor area lends itself to extension into covered external space therefore function as open space likely to be of limited duration.
- Overbearing visual impact and overlooking of Nos 14 and 15

## 6.2. Applicant Response

6.2.1 The response submitted by MacCabe Durney Barnes on behalf of the first party responds to the grounds of appeal as follows:

- Pattern of development in the immediate vicinity is not uniform owing to the extension of the cul de sac with more recent housing directly abutting the site, the ESB station, standalone garage and corner plots of appeal site and No 5 opposite.
- Proposal is set back on the established building line, retains the same front garden depth and is located at the junction of the older and more recent housing. Height is lower than existing therefore will not detract from streetscape.
- Note 29S248289 previously assessed by the Board to occupy a similar transitional zone.
- Proposed contemporary design distinguishes it from different periods of housing surrounding it. Appropriate infill rather than reproduction design.
- Proposal provides 40 sq.m usable open space with mature planting and accessible from the main living area and with good orientation. Site is close to major public park (Bushy Park c 800m) and playing fields (c200m).
- Overlooking by bedroom window of parking areas reasonable in urban situation.
- Gable could be redesigned by relocation to the eastern end of the room or setting it back and altering angle.
- Proposed development is an infill site in an urban residential area fully complies with objectives of the National Planning Framework and Development plan.

## 6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

## 6.4. Observations

6.4.1 Submission of Terenure Residents Association asserts that the proposal is out of character with the zoning of the area. Proposal will have a significant impact on No



15. Restricted site area resulting in inadequate open space. Proposal sets an undesirable precedent.

## **7.0 Assessment**

7.1. I consider that the appeal may be assessed under the following broad headings:

- Principle of development and impact on character of the area
- Residential amenity impact
- Appropriate Assessment

### **7.2 Principle of Development and Impact on Character of the area**

7.2.1 The site is zoned Z2 and the objective is to protect and/or improve the amenities of residential conservation areas. The development plan notes that residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Policy CHC4 is the policy to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

7.2.2 In considering the question of the principle of the development which involves the subdivision of the established dwelling site the development plan clearly supports appropriate infill development on corner side garden sites as a means to making effective use of serviced residential lands. The key question therefore arising relates

to the compatibility of the proposal with the Z2 zoning and the established architectural character of the area.

7.2.3 The proposed development adopts a contemporary design approach rather than seeking to replicate existing external characteristics and material finishes of the established Rathdown Villas dwellings. Whilst clearly the provision of innovative infill development which is of its time is to be commended in terms of an appropriate approach, I would concur with the third-party appellants and observers that having regard to the restricted size and configuration of the site, the proposed design is at odds with the established character of the area and is incongruous in this setting. Whilst the arguments made by the first party with regard to the transitional nature of the site at the edge of the Z2 area have some validity, I consider that the proposal does not sit well, is an abrupt intervention and would have a negative impact on the architectural quality of the streetscape of Rathdown Villas. In this context I note that one of the contributing factors to the character of Rathdown Villas is the consistent character of low density residential use and generous plot size. In this context I note the development plan provisions at 16.10.9 with regard to corner plots / side garden sites where it is outlined that some corner / side gardens are restricted to the extent that they would be more suitable for extending an existing home into a larger family home rather than to create a poor quality independent dwelling which may also compromise the quality of the original house. In my view the proposed development would seriously injure the visual character and architectural coherence of this residential conservation area contrary to the development plan.

7.2.4 On the issue of the proposed vehicular entrance I would concur with the local authority that the provision of a new entrance at the proposed location would constitute a traffic hazard and I note that the decision of the local authority required an alternative to share access with the existing dwelling.

### **7.3 Residential Amenity Impact.**

7.3.1 As regards the residential amenity of the proposed dwelling, I note that the proposal can provide 40 sq.m of private open space to the rear of the dwelling to meet the minimum standard of 10 sq.m of private open space per bedspace as set out within

the development plan, although the shape and configuration is somewhat constrained and restricted and this area is significantly overlooked by No 15 Rathdown villas which would thus provide a poor standard of amenity.

7.3.2 On the issue of impact on established residential amenity, I note that the elimination of windows to the proposed upper floor rear elevation prevents overlooking of No 15 and the upperfloor window to side gable overlooking the cul de sac would be appropriate in this urban context. However, I consider that the visual impact of the blank gable within 6.5m of the front elevation would be a discordant feature and impact negatively on the outlook from no 15.

#### **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity 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 and projects on a European site.

#### **8.0 Recommendation**

8.1. Refuse permission for the proposed development in accordance with the plans and particulars as lodged based on the reasons and considerations set out below:

#### **Reasons and Considerations**

1. The site of the proposed development is located within a designated residential conservation area to which the zoning objective Z2 of the Dublin City Development Plan 2016-2022 applies. Having regard to the restricted size of the site it is considered that the proposed development would seriously injure the visual character and architectural coherence of this residential conservation area and would be contrary to the said zoning objective set out

in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed house, by reason of its layout and positioning relative to the adjacent property to the north east would have an overbearing impact, would be visually obtrusive and would seriously injure the residential amenity of adjacent property. The proposed development would be out of character with, and fails to respect the established pattern of development in the vicinity and would thereby seriously injure the residential amenity of the area and would therefore be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

9<sup>th</sup> July 2018