



An
Bord
Pleanála

Inspector's Report ABP-301178-18

Development	Construct a 4 bed room house
Location	Maryfield, Albany Avenue, Monkstown, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1146
Applicant(s)	Robert and Jane McQuillan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Hugh & Fidelma O'Neill
Observer(s)	None
Date of Site Inspection	20 th June 2018
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.07 hectares and is one of 6 houses which are accessed from Albany Avenue in Monkstown, County Dublin. Albany Avenue links Monkstown Road (to the south) with Seapoint Avenue (to the north). The existing house on site – Maryfield is a dormer bungalow. The access lane off Albany Avenue is a cul de sac with a planted strip along its southern edge and a footpath along its northern edge. The site has a 2m boundary wall with similarly sized wooden gates top the site from this access lane.
- 1.2. The adjoining house to the west (Ferryden) is a bungalow, that to the east (Seal Rock) is a two-storey dwelling. To the south is a two storey protected structure – St Albans. On the opposite side of the laneway are two-storey dwellings.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of a dormer bungalow and construction of a part two storey/part single storey 4 bedroom house, plant room and associated works and drainage at Maryfield, Albany Avenue, Monkstown, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as provided for in the manager's order.

3.2.2. Other Technical Reports:

The Conservation Officer in the **Architects Department** noted that the existing house at Maryfield was of no architectural significance and that the department had no objection to the proposed development which does not adversely impact on the distinctive architectural character of the Monkstown ACA.

Transport Planning reported no objection to the proposed development.

Drainage Planning Section reported no objection.

4.0 **Planning History**

Permission was granted for an extension to the existing house at Maryfield under PL06D.243108.

5.0 **Policy Context**

5.1. **Development Plan**

The site is located in an area zoned A ‘to protect and or improve residential amenity’ in the Dun Loughaire Rathdown County Development Plan 2016-2022.

5.2. **Natural Heritage Designations**

See AA screening below.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed development is a two storey house. The appellant’s house is a protected structure. The proposed development, by virtue of bulk, scale and mass located 1m from the boundary and 6.985m from the protected structure will be overbearing and intrusive.
- The first-floor window in proposed bedroom number 2 will face into the drawing room and front room of St Alban’s.

- The replacement house is 323m² as against an existing 192m² to be demolished. The increase is 68% which does not have regard to the advice to “take account of context” Monkstown ACA.
- The separation distances between the proposed house and neighbouring property is too restricted to effectively mitigate negative impacts on privacy.
- The application should have been accompanied by a shadow analysis and the proposed development may overshadow adjoining property.
- The application should have been accompanied by an assessment of the impact on the Monkstown ACA.
- The application documents have inconsistencies.

6.2. Applicant Response

- The Board previously approved an extension to the existing house with an increased ridge height of 7.85m. The proposed ridge height is 9.8m which is a modest 14% on that previously permitted.
- The existing house is 255m², the proposed house is 323m², the increase in floor area is 22%.
- The photomontages submitted with the appeal are inaccurate in their depiction of impact on St Albans
- There are trees on the boundary between Maryfield and St Albans. These will be maintained. There are no windows above ground floor facing St Albans.
- Because the proposed house is set behind the rear building line of St Alban’s it will not impact on that house. The first-floor window of bedroom 2 will not overlook the rooms in St Alban’s. The applicant is willing to move this window 600mm further away and narrow it to 900mm to overcome the concerns of the appellant.
- The proposed development will not impact on the ACA.
- The distances to site boundaries are the same as those existing at present. The proposed gable is the same distance to St Alban’s as the existing gable.

- The existing gate/boundary wall will be maintained. Outbuildings previously on site were demolished in the past.

6.3. **Planning Authority Response**

- The planning authority has no further observations.

6.4. **Observations**

- There are no observations on file.

6.5. **Further Responses**

There are no further responses.

7.0 **Assessment**

- 7.1. The application site is in an area zoned for residential uses in the current Dun Laoghaire Rathdown County Development Plan.
- 7.2. The site is within the Monkstown Architectural Conservation Area designated in Map 3 attached to the county development plan. It is the planning authority's policy (policy AR12) set out in the plan is to protect the character and special interest of areas designated as ACAs, to ensure that all proposed developments within these areas are appropriate to the character of the area, and to seek high quality and sensitively designed development in these areas.
- 7.3. The appeal makes the point that the proposed development is insensitive to the pattern of development in the ACA. The planning authority's architectural conservation advice is that the existing house at Maryfield has no architectural merit and that its replacement would not detract from the distinctive architectural character of the Monkstown ACA.
- 7.4. I agree with the planning authority's advice that the existing house on site is not of sufficient architectural quality to make it intrinsic to the ACA. Furthermore, I consider that the new house is sufficiently sensitive to its location in terms of design and materials so as not to require refusal of permission of grounds of negative impact on the ACA.

- 7.5. The appeal makes the related points that the proposed development is excessively large, too close to the boundaries and will overlook adjoining property, especially, St Albans. The existing site plan is illustrated on drawing 1339-SV2-0005. The site is about 0.7ha and the floor area of the existing dormer house is 255m². The floor area will increase to 323m² but the applicant makes a fair point that the development remains a relatively low density and is not out of keeping with the pattern of development in the area. It may be noted that there is reasonable screening on the southern and eastern boundaries.
- 7.6. The proposed house is closer to the boundaries than the existing house. This is acceptable on the northern boundary because that boundary addresses the access laneway and the new plant room will be hidden behind the existing boundary wall. The proposed house is moved to within about 2m of the western boundary will Ferryden (the house to the west) but is stepped back another about 4m at first floor level. The planning authority required a first-floor window serving a bathroom at first floor facing Ferryden to be in obscure glass. Having regard to the separation distance off the boundary to the west I consider that the proposed development, as amended by draft condition 2, will not injure the amenity of property to the west.
- 7.7. In relation to the southern boundary; that is facing onto St Albans, it is the case that the new house has moved closer to this boundary than the existing house on site. The distance off the boundary is now 1.5m and there is a blank wall 9.66m at its highest facing onto the St Albans site. I consider that the impact on St Albans could be sufficiently mitigated by setting that wall off the boundary by a minimum of 3m and requiring a hipped roof to replace the gable end. A chimney would be acceptable on the northern end of the amended drawing room. I attach a draft condition number 2 addressing this point.
- 7.8. The appeal makes the point the main living rooms of St Albans will be overlooked by the windows of bedroom 2 in the proposed house. The relationship between the new building and St Albans is not very clearly illustrated on the submitted drawings but the proposed site plan (drawing number 1339-PL2-0005) gives an accurate illustration of the relationship. The eastern elevation of the proposed house aligns with the rear wall of St Albans, I agree with the applicant that overlooking of St Albans from these the windows of bedroom number 2 will not be significant.

- 7.9. I consider that, subject to draft condition number 2, the east facing elevation onto a house called Seal Rock does not give rise to injury to residential amenity of that house.
- 7.10. The appeal makes the point that the application should have included a shadow analysis. The proposed house is located almost due north of St Albans and I conclude, therefore, that it will not cast a shadow into the St Albans site in a manner as to seriously injure the amenity of St Albans.
- 7.11. The proposed development includes the provision of three parking spaces. The planning authority's transport planning section recommended a grant of permission. Having regard to the existing use on site and availability of an adequate access road I conclude that the proposed development will not give rise to traffic hazard.
- 7.12. **Appropriate Assessment Screening**
- 7.13. Having regard to very modest scale of the proposed development and its location in a urban area where public piped services are available no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend a grant of permission.

9.0 Reasons and Considerations

The proposed development is located in an area zoned to protect and improve residential amenity and within the Monkstown Architectural Conservation Area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the pattern of residential development in the area, to the existing house on site and subject to compliance with the conditions set out below it is considered that the proposed development would comply with the zoning provisions of the county development plan, would not detract from the Monkstown Architectural Conservation Area, would not seriously injure the residential amenity of adjoining property by

reason of overshadowing or overlooking and would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development plans and particulars providing for the following amendments to the proposed development shall be submitted to and agreed with the planning authority.
 - a) The returned section of the first-floor level window serving bedroom number 1 (facing the eastern boundary) shall be omitted from the proposed development.
 - b) The returned section of the first-floor level window serving the proposed TV room (facing the western boundary) shall be omitted from the proposed development.
 - c) The three first floor level windows serving the proposed stairwell area, proposed bedroom number 2 and the en-suite for bedroom number 2 (all on the eastern elevation) shall be fitted with obscure glass
 - d) The first-floor window serving the master en-suite and facing the western boundary shall be fitted with obscure glass.
 - e) The ground floor WC immediately north of the drawing room shall be omitted and the proposed drawing room repositioned so that its external wall is set a minimum 3m off the southern

boundary with St Albans. The roof of this two storey element shall be hipped.

Reason: In the interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh Mannion
Senior Planning Inspector

21st June 2018