



An
Bord
Pleanála

Inspector's Report ABP-301241-18

Development	Retention permission for the following 'as built' modification to the permitted house authorised pursuant to permission reg. ref D14B/0383.
Location	94 Stillorgan Grove, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1145
Applicant(s)	Weng & Sheila Lee
Type of Application	Retention
Planning Authority Decision	Grant with Conditions
Type of Appeal	First Party
Appellant(s)	Weng & Sheila Lee
Observer(s)	None
Date of Site Inspection	22 nd June 2018
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The appeal site comprises a recently constructed two-storey detached house in the residential suburb of Stillorgan, County Dublin, located midway along a short cul-de-sac. It is bounded to the front by a high random rubble boundary wall and there is a cobbled and landscaped forecourt and enclosed back garden. An open space area lies on the opposite side of the estate road. The house is flanked by detached two-storey houses. A set of photographs of the site and its environs taken during the course of my site inspection is attached.

2.0 Proposed Development

2.1. This is an application for retention permission for the following `as built` modification to the permitted house authorised pursuant to permission reg. ref. D14B/0383; 1) amended roof profile at side extension to north including flat roof at the top; 2) single storey music room/shed/lobby at rear (27 sqm); 3) timber bicycle shed at front garden (7 sqm); 4) 4.0m wide vehicular access incorporating 900mm wide pedestrian gateway and associated 2.4 metres high granite gate piers; 5) 1720mm high timber fencing at north and south front garden boundaries; 6) rounded granite coursing to top of front boundary wall (1.99m. over all height) and 7) omission of the basement; and for permission to remove c. 4.2m long parapet and cladding, valley gutter, aluminium cladding and drip flashing to top of boundary wall at site extension to north and to extend the roof to match existing roof profile, new concrete coping to top of boundary wall (replacing aluminium drip flashing), new gutters and rainwater pipe, new render finish to match boundary wall and associated works; new side (north) elevation to music room/shed/lobby comprising 5 no. mirror panels (1200mm x 800mm each) and horizontal timber batten screen; and the dishing of footpath to vehicular entrance.

2.2. The application was accompanied by the following:

- Written consent from the landowners to make the application
- Cover letter prepared by Kiaran O'Malley & Co

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC granted permission subject to 7 no conditions. Condition No 2, the subject of this appeal set out the following:

2. Within 6 months of the date of the final grant of permission, the applicant shall submit the following:

- a) The existing vehicular entrance shall be reduced to a maximum overall width of 3.5 metres. The existing 4 metre wide entrance shall be reduced by the insertion of a new section of wall matching the stated 1.99 metres height and finishes of the existing front boundary wall or lower*
- b) Revised plans and details showing the reduction in width of the existing vehicular entrance to a maximum overall width of 3.5 metres by the insertion of a new section of wall matching the stated 1.99 metres height, or lower, shall be submitted for the written agreement of the Planning Authority*

Reason: *In the interest of public safety and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** refers to the Transportation Planning Report and recommends permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation

3.2.3. Other Technical Reports

3.2.4. **Transportation Planning** – In accordance with Chapter 8.2.4.9 Vehicular Entrance and Hardstanding Areas of the current County Development Plan 2016 – 2022, for a single residential dwelling the maximum width of a driveway is 3.5m. It was noted that the widened vehicular access (incorporating 900mm wide pedestrian gateway)

for which permission for retention is sought is 4.0m wide. Width deemed unacceptable and further information is recommended.

3.3. Prescribed Bodies

3.3.1. No reports recorded on file.

3.4. Third Party Observations

3.4.1. There is one observation recorded on the planning file from Kevin & Marta O'Boyle, 92 Stillorgan Grove, Blackrock. The issues raised relate to contravention of condition attached to permission, construction over an existing foul drain, scale of piers and gateway and overlooking.

4.0 Planning History

4.1. PL06D.248239 (Reg Ref D16A/0719) - Permission refused by An Bord Pleanála in 2017 for the retention of built development of house, which includes, alterations to pitched roof, roofline, and associated gutters, widening of vehicular entrance and associated site works in 2017.

4.2. PL06D.244714 (Reg Ref D14B/0383) - Permission granted in 2016 by An Bord Pleanála for and extension to a house, provision of a basement and works to elevations and roofs in 2015.

5.0 Policy Context

5.1. Development Plan

5.2. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A where the objective is to protect and/or improve residential amenity. Chapter 8 deal with the Principles of Development including vehicular entrances and hardstanding areas.

5.3. Natural Heritage Designations

5.3.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by Kiaran O'Malley & Co Ltd on behalf of the applicant Weng & Sheila Lee against Condition No 2 only. The submission may be summarised as follows:
- 6.1.2. Three recent applications and planning decisions including the scheme now before the board, have been made at this site. Planning history summary provided in relation to PL06D.244714 (Reg Ref D14B/0383), PL06D.248239 (Reg Ref D16A/0719 and ABP-301241-18 (D17A/1145). Submitted that the current appeal now before the Board was prepared to address the previous reasons for refusal and to seek retention for the outstanding planning issues.
- 6.2. The applicant welcomes the Councils positive decision and they intend to comply with the conditions attached. However they are frustrated with Condition No 2 having regard to the favourable assessment of this particular aspect by a Senior Planning Inspector and by An Bord Pleanála itself in the most recent decision PL06D.248239 (Reg Ref D16A/0719) refers. Submitted that the question of the entrance gate width was fully considered and addressed in the previous planning application and that the Planning Authority have effectively ignored the outcome of that appeal without explanation.
- 6.3. Submitted that the assessment is entirely based upon the Report from DLRCC Transportation Planning Department which advises that the entrance gate width be reduced to a maximum of 3.5 as per the previous decision. Neither the Planning Officer Report nor the Transportation Department Report indicate any actual traffic safety or public safety related justification for this recommendation. Submitted that this recommendation is not based upon any negative finding or shortcoming of the "as built" entrance per se but it appears to be entirely based upon the general entrance width standards as set out in Section 8.2.4.9 of the Development Plan.
- 6.4. Reference is made to Section 8.2.4.9 of Chapter 8 of the DLRCC Development Plan 2016-2022 where it deals with vehicular entrances and hardstanding area. Submitted that this section provides that in general, the maximum width of an entrance at a dwelling house is 3.5m. Submitted that this does not mean that a

wider entrance cannot be allowed in some circumstances particularly where there is no real planning basis for refusing to grant permission. Submitted that this is such a case. Noted that prior to the renovation works there were two existing accesses in the front boundary at No 94 Stillorgan Grove one at each end of the frontage. Each access measured c2250mm wide so the combined overall opening width in the original frontage is 4500mm.

6.5. Planning Authority Response

- 6.5.1. DLRCC refers to the previous planners report and state 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.

6.6. Observations

- 6.6.1. There are no observations recorded on the appeal file.

6.7. Further Responses

- 6.7.1. There are no further responses recorded on the appeal file.

7.0 Assessment

- 7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly I am satisfied that the determination by the Board of this application as if it had made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act (as amended) in this case.

- 7.2. Condition No 2 requires that the existing vehicular entrance be reduced from a width of 4 metres wide to a maximum overall width of 3.5 metres by the insertion of a new section of wall matching the stated 1.99 metres height and finishes of the existing front boundary wall or lower in the interest of public safety and the proper planning

and sustainable development of the area. It is noted that DLRCC Transportation Planning Section referred to Chapter 8.2.4.9 Vehicular Entrance and Hardstanding Areas of the current County Development Plan 2016 – 2022 and noted that for a single residential dwelling the maximum width of a driveway is 3.5m. The access to be retained comprises a 4.0m wide vehicular access incorporating 900mm wide pedestrian gateway and associated 2.4 metres high granite gate piers with rounded granite coursing to top of front boundary wall (1.99m over all height).

- 7.3. I have considered the most recent planning history file pertaining to this site, PL06D.248239 refers, and note that the vehicular access incorporating a pedestrian gateway and associated high granite gate piers; together with rounded granite coursing to top of front boundary wall appears to be indistinguishable in both cases. It is also acknowledged that the original house on the appeal site had two separate vehicular entrances along its frontage. Overall I agree with the previous Inspector that having regard to the location of the scheme on a cul de sac overlooking a green area that the combined pedestrian and vehicular entrance is not incongruous and could not reasonably be construed as being visually intrusive in this context. I do not consider that the extent of the opening along the frontage to be out of character with either the established form of openings in the vicinity or, indeed, historically for this site. I further agree that the reduction in width of the existing entrance by 0.5m will have no impact on public safety beyond the site.

8.0 Conclusion & Recommendation

- 8.1. Having regard to the nature of Condition No 2, the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to **OMIT** Condition Number 2 for the reason and considerations set out:

9.0 Recommendation

- 9.1. Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the established pattern of development in the area and the nature, scale and design of the proposed pedestrian / vehicular entrance to be retained it is considered that, the proposed development would not seriously injure public safety or the visual amenities of the area and would therefore be generally in accordance with the proper planning and sustainable development of the area.

Mary Crowley

Senior Planning Inspector

26th June 2018