



An
Bord
Pleanála

Inspector's Report ABP-301296-18

Development	Permission for changes to approved house design from 2 bedroomed house to 3 bedroomed house
Location	2 Balally Road, Dundrum, Dublin 16
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0030
Applicant(s)	Jerome Hogan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Lucy Martin and David Pentony
Observer(s)	None
Date of Site Inspection	13 th June 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located in the side garden of No. 2 Balally Road close to the junction of Balally Road and Sandyford Road, Dundrum, Dublin 16.
- 1.2. The subject site has an area of 0.035 hectares. The site is an infill site located between a two storey semi-detached red brick dwelling and an two storey semi-detached gable fronted dwelling. There is a wide variety of house types in the vicinity of the site.
- 1.3. The site was originally part of No.2 Balally Road but this area has now been fenced off by a high timber fence.

2.0 Proposed Development

- Permission sought for changes to approved house design (PA 15A/0424) from two bedroom to three bedroom house.
- The floor area proposed is 163 square metres. The floor area of the 2 bedroom house was 105 square metres.
- The proposed design is contemporary in style with a flat roof.
- The proposed entrance remains the same as that previously granted. Car parking has increased from 1 No. to 2 No. spaces.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11 No. Conditions.

Noteworthy conditions include the following:

Condition No. 2: 'The glazing to the ground floor WC, first floor bathroom, en-suite, landing and the sides of the bay window to Bedroom 1 as indicated shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.'

Condition 6: 'Apart from the departures granted under this permission for a change of house type the development shall be carried out in accordance with all relevant conditions of planning register reference D15A/0424.

Reason: In the interests of clarity and to ensure that the development shall be in accordance with the permission and that effective control be maintained.'

Condition 7: 'This permission for a change of house type to the development which was granted permission on Planning Register reference D15A/0424 shall expire on the expiry date of D15A/0424.

Reason: In the interests of clarity and to avoid any confusion as to the expiry date of the permission for change of house type.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Whilst the proposed house is larger than that previously permitted it is not considered that these increases will have any undue adverse impact on any third party property.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to conditions.

Drainage Planning: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Submissions were received from: 1. Lucy Martin and 2. David and Mary Pentony.

The issues raised in the submissions are similar to those raised in the appeal.

4.0 Planning History

PA D98B/00676: Permission granted for attic conversion and extension to side of house.

PA D15B/0424: Permission granted for two storey two bedroom house at this location.

A Certificate of Exemption from Part V was granted to the applicant under V/001/18.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

Site is zoned as Objective A- To protect or improve residential amenity.

Section 8.2.3.4(v) refers to Corner/ Side Garden Sites.

Section 8.2.3.4(vii) refers to Infill Sites.

5.2. Natural Heritage Designations

None of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Lucy Martin and David Pentony. The main grounds of appeal can be summarised as follows:

- Concern regarding orientation of building and impact on overlooking.
- The proposed development by virtue of its size, width, height, design, layout, orientation and relationship with existing buildings has little regard for the impact on the amenity of neighbouring residents.
- Application invalid as the address details on the application form and the published newspaper differ significantly.
- Site notice was deliberately not placed in a conspicuous position.

6.2. Applicant Response

This can be summarised as follows:

- The first floor (front bay) is in line with 'Glenview' to the NW.
- The proposed house has been designed to comply with all the Development Plan requirements.
- A drawing is enclosed in the appeal which indicates that the distance between the first floor of the proposed house and the ground floor of the newly built extension at No. 35 Balally Drive is 30m.
- The rear elevation moves closer to No. 35 Balally Drive by 0.4m than the 2 bedroom design granted under PA Reg. Ref. D15A/0242.

- With the 3 bedroom design, the windows to the rear bedroom are a large bay with floor to ceiling glass. The sides of the bay window are obscure glass as originally proposed in the planning application drawings 9 and doubly conditioned by the PA.
- It is accepted that Balally was spelt as Ballally on some of the drawings and on the site notice.

6.3. **Planning Authority Response**

The Board is referred to the Planners Report.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Planning History
- Impact on Residential Amenity
- Design
- Other Matters
- Appropriate Assessment

7.2. **Planning History**

7.2.1. I note that the Planning Authority granted permission for a 2 bedroom dwelling at this location under PA Reg. Ref. D15A/0424. The site is zoned as Objective A- 'To protect or improve residential amenity. Therefore the principle of development on the site has been accepted by the Planning Authority.

7.2.2. The main changes proposed involve an increase in floor area from 105 to 163 square metres, an additional bedroom and an additional car parking space. I am satisfied that the proposed development is an infill site on serviced land close to Dundrum town centre, and that it provides adequate open space to comply with Development Plan requirements (63.5 square metres), and would not constitute a traffic hazard. As such, I concur with the view of the Planning Authority that the principle of development is acceptable on this site.

7.3. **Impact on Residential Amenities**

7.3.1. The main concerns raised in relation to residential amenity relate to overlooking. Having reviewed the two site layouts of the current permission for a two bedroom house and the proposed layout for a three bedroom house, I note that the bulk of the changes to the layout are to the side and front of the house and the proposed development would only be c. 0.4 of a metre closer to the Nos. 33 and 35 Balally Drive. I note from the drawing submitted with the appeal that there is a difference of 30m between the ground floor extension of No. 35 and the proposed development and in excess of this between the first floor of No. 35 and both the ground and first floors of No. 33. I am satisfied that this is well in excess of the Development Plan requirement of 22m between first floor opposing windows. Having regard to the separation distance between the proposed development and existing properties, it is considered that no significant overlooking will occur.

7.4. **Design**

7.4.1. The appellants consider that the orientation, size, shape, height, width and depth will detract from the visual and residential amenities of the area.

7.4.2. The proposed ground floor is approximately 2.5m forward of the building line of Glenview to the west and approximately 0.8m forward of No. 2 Balally Road to the east. The first floor has been carefully designed to match the building line of Glenview to the west.

7.4.3. The site is located close to a corner and there are a wide variety of designs in the area. I do not consider that there is any predominant building line or design in the

area. It is stated in the appeal that 'it is agreed that the ground floor is well forward to the adjoining buildings, this is to optimise the orientation of the house in terms of south (sun) light and living space. This ground floor is nearly fully concealed behind the existing tall green hedge.'

- 7.4.4. I consider that the design proposed is modern and contemporary and is very similar to the design granted for the two bedroom house under PA Reg. Ref. 15A/0424. The design proposed is acceptable in terms of scale, height and massing will have no significant adverse visual impact for the overall area in my view. There is already a wide range of designs in the area and I consider that the design is acceptable. Having regard to the similarities in both the design granted under PA 15A/0424 and the current application, I consider that the design proposed will have no greater impact than the current permission and will not detract from the visual amenities of the area.

7.5. Other Matters

- 7.5.1. Concern is raised in the appeal regarding the validity of the application. The spelling of Balally differs in the site and newspaper notice and the appellants consider that the site notice was not high enough at only 87cm from ground level.
- 7.5.2. In this regard I note that the I was able to read the notice on the site inspection and I consider that its location is acceptable. I also note from a review of history files in the area that Balally is commonly spelt as Ballally. I would also point out that the Planning Authority have accepted the application as valid and the Board has no further role in this matter.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, a residential infill development on serviced land within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

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

Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, the planning history of the site and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The glazing of the ground floor WC, first floor bathroom, ensuite, landing and the sides of the bay window to Bedroom 1 as indicated shall be manufactured opaque or frosted glass.

Reason: In the interests of orderly development and the visual amenities of the area.

3. Apart from departures granted under this permission for a change of house type the development shall be carried out in accordance with all relevant conditions of Planning Register Reference D15A/0424.

Reason: In the interests of clarity.

4. The permission for a change of house type to the development which was granted permission on Planning Register Reference D15A/0424 shall expire on the expiry dated of D15A/0424.

Reason: In the interests of clarity.

Emer Doyle
Planning Inspector

22nd June 2018