



An
Bord
Pleanála

Inspector's Report ABP 301301-18.

Development	House.
Location	7 Grove House Gardens, Grove Avenue, Blackrock, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D18A/0013
Applicant	Tom Feeney
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Tom Feeney
Observers	None
Date of Site Inspection	15/6/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site is located at Grove House Gardens, Grove Avenue, Blackrock, Co. Dublin. It is part an established residential area situated to the east of the N11 and to the south side of the Dublin City Centre.
- 1.2. The site has an area of 0.037 hectares. It comprises an area of garden to the north of a detached two-storey dwelling. The existing dwelling no. 7 Grove House Gardens is a mock Tudor style property built in the 1980's. It is set within a relatively large plot circa 0.15 hectares which features mature trees and planting. It is bounded by similar dwellings to the east and west. The site is accessed via a lane which also serves no. 6 Grove House Gardens.
- 1.3. Linden Place lies to the north of the site. The adjacent properties in Linden Place are terraced and two-storey dwellings with accommodation in the roof space.

2.0 Proposed Development

- 2.1. The proposed development would comprise a single-storey detached dwelling with a part mono-pitched roof and part flat roof. The dwelling is proposed to the west of the existing detached two-storey house on site. A shared vehicular access with no. 6 and no. 7 Grove House Gardens is proposed with 1 no. on-site car parking space. The house would comprise c.126 sq.m gross floor area (GFA). The ground floor would comprise a kitchen/living room/dining room, utility, 2 no. bedrooms, bathroom and en-suite bathroom. As revised at appeal stage, an increased separation distance from the proposed dwelling to the northern boundary to 1.5m from 1.2m. Reduction in proposed floor area from 126sq m to 123sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason.

1. Having regard to the restricted nature of the proposed site and its context including its close proximity to the adjacent residential properties to the south and north boundaries (the parent dwelling No. 7 Grove House Gardens to the south and Linden Place properties to the north), and its inadequate separation distances to its bulk and massing, and in terms of its length along the north and south boundaries, would result in overdevelopment of the site, and would be visually obtrusive and seriously out of character with the pattern of development in the area, and when viewed from adjacent properties. The proposed development would materially contravene the standards and development objectives as set out in Section 8.2.3.4(vi) 'Backland Development' of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan, and would set a poor precedent for similar type development in the area. It is considered that the proposed development would therefore, seriously injure the amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- It was considered that the proposed dwelling was located too close to the parent dwelling to the south and to the terrace of dwellings at Linden Place to the north. It was concluded that the proposed development would represent overdevelopment of the site and be out of character with the pattern of development in the area and that it would negatively impact upon the residential and visual amenities of the area.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water – The application was referred. No report was received by the Planning Authority.

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority did not receive any observations/submission in relation to the application.

4.0 **Planning History**

None on site

Adjacent Site

Reg. Ref. D14A/0659 – Permission was granted for two-storey extension to the front and rear of the existing dwelling No. 5 Grove House Gardens consisting of internal alterations, amendments to all four elevations, including 7 no. new roof lights. 2. Proposed new attic conversion and new basement. 3. Demolition of existing front garage and rear sunroom. 4. Proposed new second vehicular entrance to the front of the dwelling and all associated site works.

5.0 **Policy Context**

5.1. **Development Plan**

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- It is zoned Objective A 'to protect and/or improve residential amenity'.
- Chapter 8 – Principles of Development
- Section 8.2.3.4(vi) Backland Development: Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such. Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites within the existing builtup area, the following standards will apply:

- Generally be single storey in height to avoid overlooking.
 - Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
 - A wider entrance may be required to a backland development to or from a narrow laneway.
 - Existing dwelling and proposed dwellings shall have minimum individual private open spaces of 48 sq.m. each - exclusive of parking - for one/two bedroom units or 60 sq.m. plus for three/four or more bedroom units.
 - Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Section 8.2.3.4 (vii) Infill: “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA located c. 1.6km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Hughes Planning & Development Consultants on behalf of the applicant Tom Feeney. The main issues raised concern the following;

- The proposed development entails the construction of an infill single storey dwelling to the front of no. 7 Grove House Gardens.
- The proposed development is in accordance with the residential zoning objective 'A' to 'protect and/or improve residential amenity.' It is also in line with the provisions of Policy RES4 which seeks to densify built up areas.
- The site is located within 500m of the Stillorgan QBC. Section 2.1.3.3 of the Development Plan encourages higher residential densities at a minimum of 50 units per hectare where sites are located within 1km of a QBC.
- In relation to the matter of separation distances it is noted that generally a separation distance of 22m is required between directly opposing rear first-floor windows as per Section 8.2.8.4(ii) of the Development Plan. It states that the 22m separation normally results in a minimum rear garden depth of 11m. Regarding single storey dwellings it is advised that where sufficient private open space is available this may be reduced to 7m subject to the maintenance of privacy and protection of adjoining residential amenities.
- It is set out in the appeal that the subject proposal for an infill dwelling does meet the requirements for an infill development in terms of the proposed design, single storey nature and the height and massing of the dwelling relative to neighbouring properties.
- The Planning Authority assessed the proposed development as backland development as per Section 8.2.3.4(vi) of the Development Plan. That section of the Plan states that single storey backland dwellings shall be located not less than 15m from the rear façade of the existing dwelling with a minimum rear garden depth of 7m.

- It is stated in the Planning Officers report that the dwelling would be located 3m from the existing dwelling. It is further stated that the proposed single storey dwelling would be 9.9m from the original front façade of the existing dwelling. Therefore, it is considered that the proposal generally complies with the standards for backland development.
- While the Planning Authority assessed the application on the basis that it is backland development, it is contended that it is infill development.
- Section 8.2.3.4(vii) of the Plan refers to infill development and states “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping and fencing or railings”.
- Based on these attributes and the location of the proposed dwelling to the front of the existing dwelling it is considered that it constitutes infill development.
- It is stated that the proposal is in compliance with Section 8.2.3.4(vi) which refers to ‘Backland Development’. It is single storey and will therefore avoid any potential for overlooking. The vehicular access has a width of 4m which is in excess of the required 3.7m. The private open space has an area of 80sq m which is in excess of the requirement. The proposed dwelling is not located to the rear of the existing dwelling. It would be located to the front and therefore does not constitute backland development.
- The proposed private open space of 80sq m provides an ample high quality area to serve the two bedroom dwelling, where the minimum requirement for a two bedroom dwelling is 48sq m.
- One car parking space is proposed to serve the two bedroom dwelling which is in compliance with the Development Plan car parking standards.
- Due to the proposed layout and height of the dwelling there would be no overlooking of neighbouring properties.

- The refusal issued by the Planning Authority stated that the proposal would be visually obtrusive. It is contended in the appeal that there will be no negative visual impact. It is noted that no objections were made by neighbouring residents. A letter of support from the owner/occupier of no. 11 Linden Place was included with the appeal.
- The refusal refers to overdevelopment it is submitted that the proposal will respect the surrounding residential amenity and will not be overbearing. The proposed dwelling will have a site coverage of 34% and a plot ratio of 0.34. There are no indicative standards in the Development Plan. The Dublin City Development Plan 2016-2022 has an indicative site coverage of between 45%-60% and an indicative plot ratio of 0.5-2.0. It is noted that the proposed development falls below those standards.
- The reason for refusal stated that the proposed development is out of character with the pattern of development in the area. It is argued that this area of Dún Laoghaire-Rathdown does not have a particular pattern of development. There is no established building line, the dwellings are orientated at different angles and extensions have been added to adjacent dwellings.
- A number of other permissions for dwellings within the plot of properties are cited. Under Reg. Ref. D16A/0896 & PL06D.248484 permission was granted for a dwelling to the side of no. 67 Glenageary Park. The permitted dwelling directly adjoined 3m of the rear boundary of no. 90 Glenageary Park. The Inspector in the assessment of that case noted that the site did not allow for a development which would closely reflect the form and character of the established properties in the vicinity. It is submitted that the same reasoning can be applied to the subject site.
- Under Reg. Ref. D15A/0524 permission was granted for a single-storey flat roof dwelling at no. 30 Merrion Park, Blackrock. In the assessment of the application the Planning Officer stated that the dwelling by reason of its single-storey nature and modest size, would not detract from the amenities of adjoining properties. The rear garden depth was below 7m. The Planning

Authority considered it acceptable. The subject proposal is considered comparable in scale.

- Under Reg. Ref. D07A/1572 permission was granted for a detached two-storey dormer bungalow at no. 96 Stillorgan Grove.
- Under Reg. Ref. D05A/0355 permission was granted for a detached two-storey dwelling at no. 14 Patrician Villas, Stillorgan. The development was considered in keeping with the surrounding area. It is noted that the dwelling did not maintain the established building line.
- Under Reg. Ref. D16B/0491 permission was granted for a two-storey extension to the side and rear of 'Gellert, Grove Avenue. The site adjoins the appeal site.
- Under Reg. Ref. D12A/0362 permission was granted for a two-storey dwelling at Rosehill House, Carysfort Avenue, Blackrock. The scheme comprised an infill dwelling on the grounds of Rosehill House. The dwelling was situated away from the boundaries, however the two-storey nature of the dwelling meant it would have an increased impact than a single storey dwelling.
- Under Reg. Ref. D11A/0059 & PL06D.238827 permission was granted for the demolition of a bungalow and the construction of 4 no. dwellings. It is noted that the site is restricted and that the dwellings were located close to the boundaries.
- The proposed development complies with the provisions of the National Planning Framework Ireland 2040. Section 4.5 seeks to achieve urban infill development. The proposed development complies with the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which seeks to consolidate development within the existing urban footprint of the Metropolitan Area.
- An alternative design is proposed as part of the appeal. The alternative design provides an increased separation distance of 1.5m from the dwelling to the northern boundary. This reduces the floor area from 126sq m to 123sq m.

However, it is the preference of the applicant that the original design be permitted.

- In conclusion, it is stated that the proposal is in compliance with the zoning and relevant policies and objectives of the Development Plan. It is emphasised that the proposal is for an infill dwelling not a backland dwelling as it would be located to the front of the existing dwelling. It is requested that the Board grant permission for the proposed development.

6.2. **Planning Authority Response**

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main planning issues arising in this appeal are as follows:

- Principle of the development
- Design and impact on Residential Amenity
- Appropriate Assessment

7.2. **Principle of the Development**

7.2.1. The site comprises part of the northern section of a garden of a detached house. It is proposed to sub-divide the plot and construct a detached single storey dwelling to the northern side of the main house. The site is zoned objective A 'To protect and/or improve residential amenity within the Dún Laoghaire-Rathdown Count Development Plan 2016-2022. Section 8.2.3.4(vi) of the Development Plan refers to Backland Development. Backland development is defined in the Plan as the construction of a new single dwellings with a building line to the rear of an existing line of houses.

- 7.2.2. Section 8.2.3.4(vii) of the Development Plan refers to infill development. It is specified in the Plan that infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- 7.2.3. The Planning Authority in their assessment of the proposal considered that the development represented backland development due to the site configuration and layout relative to the entrance, the parent house and surrounding housing. It is argued in the appeal that the proposed development is not backland development because the proposed dwelling would be located to the front of the existing house and therefore does not constitute backland development.
- 7.2.4. Having regard to the configuration and layout of the existing house on the plot while the main entrance of the dwelling is orientated to the north it addresses the rear boundaries of properties at Linden Place. Furthermore, the vehicular access is situated to the south of the existing dwelling off Stillorgan Grove and the dwelling is set back circa 50m from the entrance. The proposed dwelling would be sited to the north of the existing dwelling and further away from the vehicular access. Accordingly, in relation to this matter, I would concur with the Planning Authority that the proposed development would constitute backland development.
- 7.2.5. Accordingly, the issues that need to be addressed are whether the proposed development is acceptable on this site, taking into consideration the design and layout and the impact on the amenities of adjoining residents. I shall examine these issues in the subsequent section of the report.

7.3. Design and impact on Residential Amenity

- 7.3.1. The proposed dwelling is single storey and of a contemporary architectural style. The proposed floor area is 126sq m. The proposed roof design is part flat roof and part mono-pitch roof. Consequently, the proposed ridge height varies between 3.4m at the flat roof section to the 4.78m at the apex of the mono-pitch roof. The proposed mono-pitch roof has a varying eaves level along the north-west elevation between 3.09m and 4.17m. In relation to the proposed roof design I note that due to the proximity to the northern site boundary that the roof would oversail the boundary.

- 7.3.2. Section 8.2.3.4 (vi) of the Development Plan refers to Backland Development and requires that a single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- 7.3.3. In the case of the current proposal a minimum separation distance of 2.8m is provided between the south-eastern (front) elevation of the new dwelling and the north-western (front) elevation of the existing dwelling no. 7. I note that section 8.2.3.4 (vi) refers to the requirement of a minimum separation distance of 15m between rear façade of the existing dwelling and the proposed dwelling. In respect of this, it is stated in the appeal that a separation distance in excess of that would be provided to the rear elevation of the existing dwelling. Due to the site configuration and orientation of the dwelling, the rear of the existing property addresses the vehicular access located to the south. Consequently, it is the front of the existing dwelling which is the elevation which would directly address the proposed dwelling. The separation distance between the two dwellings varies from 2.8m and 9.9m. Therefore, this falls short of 15m as required under section 8.2.3.4 (vi).
- 7.3.4. The separation distance between the north-western elevation and the boundary is 1.2m. While the closest dwelling at no. 9 Linden Place to the north would be 10m from the proposed dwelling. The proposed site sections on drawing no: 17061-210 indicate that the proposed mono-pitch roof would overhang the northern party boundary walls. I consider this would have an undue overbearing impact upon those properties at Linden Place.
- 7.3.5. A revised proposal was submitted with the appeal. The plans indicated a marginal increase in the separation distance between the proposed dwelling and the northern site boundary from 1.2m to 1.5m. This would result in a minor reduction in the floor area from 126sq m to 123sqm. The revised site sections on drawing no: 17061-210 indicate that the proposed mono-pitch roof would still overhang the northern party boundary walls by 1.5m. Given the limited nature of the revised proposals, I do not consider that it addresses the matter of the proximity of the proposed dwelling to adjacent properties. In relation to the proposed siting and design and layout of the proposed development, the proposed dwelling would be positioned very close to adjoining boundaries to north. I consider that it would appear cramped and would not

integrate well or be compatible with the existing development. In this regard, it would fail to respect the established pattern and character of development in the area. I consider having regard to the proximity of the proposed dwelling to adjacent properties would result in substandard form of development and that it would set an undesirable precedent for similar development.

- 7.3.6. Table 8.2.3 of the Development Plan refers to Residential land use car parking standards. It is required under the Development plan that for a two bedroom dwelling that a minimum of 1 no. car parking space be provided. The proposed site layout indicates that one on-site car parking space is proposed in the south-western corner of the site. The vehicular entrance and access would be shared with the existing dwelling no. 7 and the neighbouring property no. 6. The access road has a width of between 3m and 7.5m. The driveway serving no.7 and the proposed dwelling has a minimum width of 3m. There is a hard surfaced area to the north-west of the existing dwelling which will allow space for a vehicle to manoeuvre in and out of the site safely. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.
- 7.3.7. Section 8.2.8.4 (i) of the Development Plan refers to private open space. The minimum required private open space for the new dwelling with two bedrooms is 48sq m. The Development Plan requirement for minimum rear garden depth of 11 metres is not required as the proposed dwelling is single storey and therefore the issue of directly opposing first floor windows does not arise. The private open space is proposed to the eastern side of the dwelling and it has an area of circa 80sq m. Accordingly, the private open space provision is in accordance with Development Plan requirements.
- 7.3.8. Overall, notwithstanding the achievement of development standards in relation to private open space and car parking provision, I would concur with the Planning Authority that given the restricted size and configuration of the site and the close proximity of the proposed dwelling to the northern party boundary walls and the existing dwelling no. 7 Grove House Gardens that the proposed development would result in substandard form of development which would be out of character with the pattern of development in the surrounding area and would set an undesirable precedent for similar development.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the 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. I recommend that permission is refused based on the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development is located within an area covered by zoning objective A in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, the objective of which is to protect and improve residential amenities. Having regard to the configuration of the site and its limited size and undue proximity to adjacent properties, and notwithstanding the modifications to the design put forward as part of the appeal it is considered that the proposed development would constitute overdevelopment of the site and would be out of character with the pattern of development in the surrounding area. It would set an undesirable precedent for similar development in the area. The proposed development would therefore, seriously injure the amenities of the residential properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

29th June 2018