



An  
Bord  
Pleanála

## Inspector's Report ABP-301451-18

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<b>Development</b>	Demolish existing extension, erect new house
<b>Location</b>	56 The Avenue, Woodpark, Ballinteer, Dublin 16
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0106
<b>Applicant(s)</b>	Killian MacDonald
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party vs Refusal
<b>Appellant(s)</b>	Killian MacDonald
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> June 2018
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

1.1. The application site has a stated area of 0.0279m<sup>2</sup> and comprised the existing house and side garden at 56 The Avenue, Ballinteer, Dublin 16. The existing house is one of a pair of semidetached houses and the new house is proposed to be in the side garden as it turns the corner into The View, another residential road accessed from The Avenue. The existing house has a small extension (about 12m<sup>2</sup>) which it is proposed to demolish. The garden is currently accessed from The Avenue over a vehicular gateway. The boundary treatment comprises a 2/3m high hedge wrapping around the site from The Avenue into The View.

## 2.0 Proposed Development

2.1. The proposed development comprises the demolition of an existing ground floor extension (12.8m<sup>2</sup>) and erection of a detached three storey two bed house (81m<sup>2</sup>) with off-street parking and ancillary works at 56 The Avenue, Woodpark, Ballinteer, Dublin 16.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused because;

Inadequate private open space and visual obtrusion because of siting and design.

The proposed development would contravene the residential zoning objective for the site and provide inadequate residential amenity for future residents and impact negatively on neighbouring property.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

#### 3.2.2. Other Technical Reports:

**Irish Water** reported no objection.

**Drainage Department** no objection subject to conditions.

**Transport Planning** reported no objection subject to conditions.

## 4.0 **Planning History**

There is no relevant planning history.

## 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 Laoghaire Rathdown County Development Plan 2016-2022.

### 5.2. **Natural Heritage Designations**

See Appropriate Assessment Screening below

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The proposed development was discussed extensively with the planning authority prior to submission of the application.
- The application is sympathetic to its context in terms of scale and proportion. The proposed development matches the ridge and eaves of the adjacent house. The windows reflect the scale and size of neighbouring ones. The projecting ground floor is a small variation of the prevailing pattern.
- The hedgerow/boundary treatment will be retained. The proposed car space does not compromise the private open space therefore the open space provision meets the development plan standard.

## 6.2. Planning Authority Response

- The planning authority has no further comment to make.

## 6.3. Observations

- There are no observations.

## 6.4. Further Responses

There are no further responses.

## 7.0 Assessment

7.1. The site is in an area zoned for the protection and/or improvement of residential amenity in the current county development plan. The area is residential in character and the pattern of development is dominated by two storey semidetached houses with front and rear gardens. The site has a stated area of 0.0279m<sup>2</sup> and comprises the existing house at 56 The Avenue and its rear/side garden which turns the corner into The View. A shed/porch/kitchen/dining extension to 56 The Avenue will be demolished to accommodate the proposed development.

7.2. The county development plan at 8.2.3.4(v) sets out criteria for considering additional houses on corner/side garden sites. The more relevant of these criteria are the size, design, layout and relationship with existing and adjacent properties, impact on amenities of adjoining property, residential amenity of future occupiers, relevant development plan standards, car parking standards, private open space provision, and the achievement of visual harmony in terms of colours and external finishes.

7.3. The pattern of development in the area (number 1 The View is an exception) is very strongly two storey semidetached houses with rendered facades and tiled roofs. The houses also have porches which are also tiled. The application proposes a mix of render, a timber clad dormer and standing seam roof (this is usually a metal roof with raised joints between individual sections). The appeal makes the case that this is an appropriate treatment for a new house notwithstanding its departure from the pattern of finishes/materials dominant in the area. There is no principled objection to more modernist materials being employed in these corner locations but on a very

restricted site with such a defined pattern of development in the area I agree with the planning authority that these features will seriously injure the visual amenity of the area.

- 7.4. Notwithstanding that there is a small front box dormer on a house in The View the proposed front box extension at second floor would comprise an incongruous element in the roof scape of the area and is unacceptable in terms of the visual amenity of the area.
- 7.5. The planning authority makes the point in the reason for refusal that there is inadequate private open space provided for and that this will negatively impact on the residential amenity of future residents. The application states that there is 46sqm of private open space in the form of a rear garden. The existing house has two bedrooms. The plan states (paragraph 8.2.8.4) that two bed units should have 48m<sup>2</sup> of private open space although a relaxation of this may be acceptable on a case-by-case basis. For the purposes of considering the realistic utility of the rear garden it is necessary to exclude the car parking space and therefore the useable private open space is reduced to less than 30m<sup>2</sup> of very irregularly shaped space. I agree with the planning authority that the provision of private open space is not of a standard to meet the development plan requirements or the recreational needs of future residents of the proposed house. The development plan minimum private open space requirement for three bed units is 60m<sup>2</sup>, if the existing house at 56 is a three bed the remaining 61m<sup>2</sup> rear garden for that house meets the development plan standard.
- 7.6. I conclude therefore that the proposed development would seriously injure the residential amenity of future residents and of neighbouring property by the displacement of domestic activity off-site.
- 7.7. **Appropriate Assessment Screening**
- 7.8. Having regard to the very modest scale of the proposed development and its location in an 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 permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 1 The proposed development is located in an area zoned to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. It is a policy of the planning authority set out in the county development plan that two-bedroom houses have a minimum of 48m<sup>2</sup> private open space in order to protect the residential amenity of future residents of such houses. The proposed development does not provide this minimum quantum of private open space. Therefore the proposed development would seriously injure the amenity of future residents of the house, would materially contravene the policy set out in the county development plan and, therefore, would be contrary to the proper planning and sustainable development of the area.
- 2 The proposed development is located in an area zoned to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. It is a policy of the planning authority set out in the county development plan that development in side gardens respect existing and adjacent properties in terms of design, materials and visual amenity. The proposed three storey house has had insufficient regard to the pattern of development in the area in terms of design, roof profile and materials. The proposed development would, therefore seriously injure the visual and residential amenity of the area, would materially contravene the zoning objective for the area set out in the county development plan and would be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion  
Senior Planning Inspector

21<sup>st</sup> June 2018