



An
Bord
Pleanála

Inspector's Report ABP-301517-18

Development	Demolition of existing bungalow and construction of two houses.
Location	Lincoln House, Adelaide Road, Glenageary, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0733
Applicant(s)	David and Emma Larkin
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Anne and John McLoughlin
Observer(s)	None
Date of Site Inspection	2 nd August 2017
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site with an area of 0.744 hectares is located to the rear of Nos. 83 and 84 Adelaide Road and also fronts onto Harold Crescent, Glenageary, Co. Dublin. The existing development on the site comprises of a detached dormer dwelling –‘Lincoln House’ and is served by vehicular entrances from both Harold Crescent and Adelaide Road.
- 1.2. The general character of the area is suburban with a wide variety of styles and finishes. A development of three two storey terraced dwellings has recently been completed on the adjacent site to the north and Eden Mews (the appellant’s two storey detached dwelling) is located to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought to demolish the existing detached dwelling and to construct 2 No. detached two storey dwellings with basements. The total floor area of each dwelling is 292 square metres. An additional vehicular entrance onto Harold Crescent is proposed. A render finish is proposed.
- 2.2. Revised drawings and details submitted dated the 6th of December 2017 aligned the front of the building with Eden Mews to the south of the site, reduced the height of the parapet in line with Eden Mews to the south of the site and reduced the length of the first floor accommodation. It is proposed that the basement is to be used for storage only. It was stated on the drawings that the entrance off Adelaide Road would be used for pedestrian access only. Revised details in relation to the vehicular entrances off Harold Crescent were submitted. New site and newspaper notices were submitted by the applicant.
- 2.3. Clarification of Further Information drawings and details were submitted dated the 13th of March 2018. The overhang detail from the proposed rear single storey structure was removed in the revised drawings. Details of the parapet height to match Eden Mews to the south were submitted. A drawing of the pedestrian gate indicated that the gate would have a fixed leaf and a pedestrian sized gate.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission granted subject to 12 No. conditions.

Condition No. 3 is as follows:

'The proposed fixed timber panel and one metre wide pedestrian gate at the entrance to the site from Adelaide Road shall be permanently maintained as such. In this regard, the said entrance shall be used for pedestrian access only.

Reason: In the interest of traffic and pedestrian safety.'

Condition 6 required a payment for the removal of pay and display parking bays on Harold Crescent.

All other conditions are of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report (09/10/17) considered that the principle of development was acceptable but requested further information in relation to the impact of the dwelling on the amenities of the area and traffic safety.
- The second report (9/01/18) required further information in relation to the visual impact on Eden Mews, the height of the proposed dwellings, and the means by which the entrance off Adelaide Road would be restricted to pedestrian access only.
- The third report (09/04/18) was satisfied with the alterations to the design and the clarification in relation to the height of the proposed dwellings and the use of the gate and the means to restrict this use to pedestrian only by means of a fixed gate.

3.2.2. Other Technical Reports

- **Transportation Report:** The initial report (20/09/17) required Further Information. Following submission of revised drawings, the second report (12/12/17) recommended permission subject to conditions.
- **Drainage Department:** No objection subject to conditions.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

- None.

4.0 Planning History

On subject site:

D06A/1509/ PL06D.222907

Permission granted by PA and by the Board on appeal for the demolition of existing dwelling and construction of two dwellings. ABP Condition 4 (b) required the rear driveway for house B accessing Adelaide Road to be eliminated and the rear boundary wall to be continued across the site.

V/121/17

Part V Exemption Certificate granted.

Relevant history on adjacent site to north:

D17A/0300

Permission granted for amendments to previously granted permission Reg. Ref. D16A/0012. Permission sought for a) The addition of 3 No. bay windows and 2

No. columns on corner porches at ground floor level, to the front (east) elevation of the three terrace houses b) an increase to the height of the smaller bedroom windows at first floor level to the front (east) elevation c) the extent of the brick panel to the side elevations of the houses at 'Invicta', Harold's Crescent, Glasthule, Co. Dublin.

D16A/0012

Permission granted for the demolition of an existing dwelling, the construction of 3 No. two storey 3 bedroom terraced dwellings.

D15A/0150/ PL06D.244914

Permission refused by Planning Authority and granted by the Board on appeal for demolition of existing house known as 'Invicta' and construction of 3 dwellings.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To protect and/or improve residential amenity'.

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."*

Section 2.1.3.4 Existing Housing Stock Densification: *"Encourage densification of the existing suburbs in order to help retain population levels - by 'infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc."*

In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

5.2. **Natural Heritage Designations**

5.2.1. None applicable.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The third party appeal submitted by Anne and John McLaughlin can be summarised as follows:

- Development is supported in principle.
- Concerns regarding impact on residential amenity.
- The Board is requested to address the impacts on residential amenity by way of conditions including reducing the depth of the house, omitting the first floor side windows or requiring opaque glazing, omitting the vehicular gates from Adelaide Road, requiring the side elevation to be finished in white render, omitting chimneys in garden level accommodation and requiring information in relation to the feasibility of basements having regards to concerns as to whether the ground can absorb the volumes of water being treated in soakways.

6.2. **Applicant Response**

The response submitted on behalf of the applicant's can be summarised as follows:

- The design has taken into account the front and rear building lines of adjacent properties.
- House B faces Harold Crescent and the use of the entrance from Adelaide Road is now defunct as a vehicular entrance.

- It is the applicant's preference to maintain the first floor windows as proposed in the application. However, an alternative design is submitted should the Board wish to condition this matter.
- The Board is requested not to require the applicants to finish their house in a white render.
- The proposed chimney in the current design is located c.7m from the appellant's property and they therefore will suffer no loss of amenity from the inclusion of a chimney in the design.
- The issue of rainwater is adequately dealt with in condition No. 4 of the planning grant.

6.3. **Planning Authority Response**

- The Planning Authority noted that the appellant referred to a decision made by the PA to the north of the site, known as 'Invicta'. The aforementioned development was assessed in the context of there being a bungalow on the subject site, which it is now proposed to demolish. The development context for the subject site is therefore significantly changed since the aforementioned development at 'Invicta' was assessed. ABP is respectfully requested to uphold the decision of the Planning Authority.

6.4. **Observations**

- None.

7.0 **Assessment**

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

- Impact on Residential Amenity
- Appropriate Assessment

7.2. Impact on Residential Amenities

- 7.2.1. The principle of development is acceptable on the site having regard to the policies regarding infill development in suburban areas set out in the Development Plan, the zoning of the site and the planning history of the site. The main concerns raised in the appeal relate to the impact on residential amenities. The appeal requests the Board to address the impacts on residential amenity by way of conditions including reducing the depth of the house, omitting the first floor side windows or requiring opaque glazing, omitting the vehicular gates from Adelaide Road, requiring the side elevation to be finished in white render, omitting chimneys in garden level accommodation and requiring information in relation to the feasibility of basements having regards to concerns as to whether the ground can absorb the volumes of water being treated in soakways.
- 7.2.2. I have inspected the site and its surroundings and consider that the depth of the property is appropriate and in line with that of adjoining properties. The drawings submitted on the 6th of December 2017 and the drawings submitted dated the 13th of March 2017 provided for very substantial alterations to the proposed development including setting back the building line in line with Eden Mews, reducing the height, omitting the overhang at ground floor level and reducing the length of the first storey by c. 2.2m so that it is in line with Eden Mews to the rear. I consider that the demolition of the existing house at this location is appropriate and that the replacement two houses are appropriate and would not unduly detract from the residential amenities of adjacent properties having regard to their scale, size, layout or building lines.
- 7.2.3. In terms of the concerns raised regarding the pedestrian gate, I consider that the main issue here is concern regarding enforcement of a condition restricting the access to pedestrian only. Lincoln House currently enjoys vehicular access from both Adelaide Road and Harold Crescent. The appellants do not object to a pedestrian gate from Adelaide Road but they are concerned regarding the design chosen as it provides for a typical gate with one panel fixed. Condition 3 required that the proposed fixed timber panel and one metre wide pedestrian gate at the entrance to the site from Adelaide Road shall be permanently maintained as such. In this regard the entrance shall be used for pedestrian entrance only.

- 7.2.4. The planner's report in the PL06D.222907 noted that there was an established entrance from Adelaide Road serving Lincoln House and that *'whilst this was not ideal in terms of protecting the residential amenities of No. 83 Adelaide Road, the proposed development will not result in any intensification of its use and no additional impacts on adjoining properties.'*
- 7.2.5. The Board however, required in condition 4 (b) for the rear driveway for house B accessing Adelaide Road to be eliminated and the rear boundary continued across the site.
- 7.2.6. I am of the view that permeability is important and provided that the use of the entrance is for pedestrian use only, there will be no negative impacts on either the appellants or the adjoining properties on Adelaide Road. I am satisfied that the arrangement proposed in relation to fixing a gate panel and use as a pedestrian access only is acceptable in terms of residential amenities and enforcement of this condition is a matter for the Planning Authority.
- 7.2.7. I note that the appellants have raised concerns regarding overlooking from first floor windows. The first floor windows referred to serve a landing and ensuite bathroom and timber slats are incorporated into the external design. The appellant's consider that *'whilst slats may reduce the field of vision from the inside of the proposed development, they will not eliminate overlooking.'* The appellants have also raised concerns in their appeal in relation to ground floor windows.
- 7.2.8. I note that the existing 2m high boundary wall between both properties will be retained. As such, I am satisfied that windows at ground floor level will not detract from the residential amenities of the area. In relation to the first floor windows, I note that the response to the appeal states that their preference would be to maintain the design as proposed but they would be willing to accept a condition requiring obscure glazing in these windows.
- 7.2.9. I am satisfied that the windows in the side elevation are not serving habitable rooms, and that the timber slats proposed are sufficient to prevent overlooking and will not unduly impact on the residential amenities of adjacent dwellings.
- 7.2.10. I note that the appellants have requested that An Bord Pleanála include a condition requiring the side elevation facing them to be finished in a white render. There are a wide variety of designs of various types and finishes in the general

vicinity of the site. I concur with the response to the appeal that 'due to the inconsistency of house design/type and no definite vernacular design, it would be considered onerous and overly prescriptive of both the planning authority and ABP to impose a finish or colour palette on proposed designs for this location.'

7.2.11. I am satisfied that the redesign of the proposed dwellings in the drawings dated the 6th of December 2017 and the 13th of March 2018 are satisfactory and that the proposed design would not detract from the residential amenities of adjacent properties or detract from the visual amenities of the area.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development, 2 No. two storey dwelling houses 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.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, and to the nature, scale and extent 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.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of December 2017 and the 13th day of March 2018, 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 entrance from Adelaide Road shall be pedestrian only in accordance with the details submitted to the Planning Authority dated the 6th day of December 2017 and the 13th day of March 2018.

Reason: In the interests of traffic and pedestrian safety.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

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

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: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Emer Doyle

Planning Inspector

30th August 2018