



An
Bord
Pleanála

Inspector's Report ABP 301562-18

Development	Construction of a new 3 bedroom 2 storey dwelling in the garden of No. 491 Pearse Villas and permission for a single storey extension to the front of the existing house.
Location	491 Pearse Villas, Sallynoggin, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D18A/0138.
Applicant	Maria Hegarty.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v. Decision.
Appellants	Maria Hegarty.
Observers	None.
Date of Site Inspection	13 th June 2018.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The application site is located within Pearse Villas, an established residential area built in the late 1940s/early 1950s. Accessed via Rochestown Park off Rochestown Avenue in the mature suburb of Sallynoggin, Co. Dublin. The surrounding area is characterised by two-storey terraced houses within Pearse Villas and two storey semi-detached of varying designs and dormer dwellings along Rochestown Park to the southeast.
- 1.2 No. 491 Pearse Villas, an end of terrace house, occupies the site that has a stated area of 0.0614 hectares. The site is irregularly shaped, forming the corner of Pearse Villas and a cul-de-sac serving c.24 houses. It has a large wide front garden and long narrow rear garden which is set an angle to the house. The relevant area for the proposed house is part of the front garden of No. 491.
- 1.3 The frontage of the site along the main access road within Pearse Villas and the cul-de-sac is bounded by a mature hedge. The boundary with No. 490 to the east is a block wall. To the west, the site is bounded by No. 492, part of a terrace of four houses.
- 1.4 A shared access and driveway is proposed, using the existing vehicular access to No. 491 Pearse Villas off the cul de sac. There is a pedestrian access off the main access road serving Pearse Villas.

2.0 Proposed Development

The applicant is seeking permission for:

- A 3 bedroom 2 storey contemporary style house with a g.f.a of c.113.4 sq,m and a height of c.5.7m to the side of an existing c. 98 sq.m end of terrace two storey house.
- A c. 8.9 sq.m flat roof single storey contemporary style extension to the front of the existing house.

The site has a stated area of c. 0.0614 hectares.

Finishes to the proposed house include selected brick, render and vertical timber fins (breeze soilel)

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

The proposed development, by reason of its scale, layout and proximity to the directly adjoining site boundaries would result in overdevelopment of the subject site and would, therefore, unduly impact on the residential and visual amenity of the adjoining dwelling, No. 490 Pearse Villas, and if permitted would set an undesirable precedent for similar development in the area. It is also considered that the proposed dwelling would appear visually incongruous with the adjoining dwelling and would, therefore, significantly detract from the visual amenities of the streetscape. The proposed development would, therefore, seriously injure the amenities and/or depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports (14th April 2018)

This report formed the basis for the Planning Authority's decision and the main points referred to relate to design, visual impact and residential amenity.

3.2.2 Other Technical Reports

Drainage Section (10th April 2018). Concerns raised regarding absence of SuDS proposals to deal with the surface water generated by the new dwelling. Direct discharge to the surface water sewer is not acceptable. Drawings and details are required showing a SuDS measure appropriate to the scale and nature of the development.

Transportation Planning (28th March 2018). Further Information recommended in relation to car parking (4 spaces required for the 2 houses as per the County Development Plan standards), room for vehicles to manoeuvre within the site and proposals for a shared entrance with a width of c. 4m, details of right of way within the shared driveway and parking area are also required.

3.3 Third Party Observations

None.

4.0 Planning History

Planning Authority Ref. No. D12A/0317 refers to a 2012 decision to refuse outline permission for a dormer bungalow to the side of existing house and new entrance off public road. Permission was refused on the grounds that a dwelling at this location, forward of the front building lines of both Nos 490 and 491 Pearse Villas, would be out of character with the existing pattern of development, would be visually incongruous with the existing streetscape at this prominent location and would be seriously injurious to the amenities of the area. It was also considered that the proposal would set an undesirable precedent for similar developments.

No. 17 Rochestown Park, Dun Laoghaire (to the south east of the site adjoining the terrace of 4 houses which includes No. 490 Pearse Villas):

Planning Authority Ref. No. 17A/0752 (An Bord Pleanála Ref. No. 300180-17) refers to a 2018 (May) decision to refuse of permission for the demolition of garage, construction of new house, driveway and entrance gates. Permission was refused for two reasons relating to overdevelopment of the site and negative impact on residential amenities.

5.0 Policy Context

5.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards:

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.4 refers to Additional Accommodation in Existing Built-Up Areas:

Section 8.2.3.4 (v) refers to Corner/Side Garden Sites. Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the size, design, layout, relationship with existing dwelling and immediately adjacent properties amongst other criteria.

Section 8.2.3.4 (i) refers to Extensions to Dwellings.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 60sq.m for a 3 bed house. Where good quality open space is provided. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

5.2 Sustainable Residential Development in Urban Areas (DoEHLG 2009)

Section 5.8 (i) refers to Infill residential development and that potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.

5.3 Natural Heritage Designations

The nearest European sites are:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 3.3km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.3km east of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.9km north-northwest of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.8km north-northwest of the site.

6.0 The Appeal

6.1. First Party Appeal

The first party appeal seeks to address the reasons for refusal of permission and is summarised as follows:

- The layout of the original housing estate resulted in extensive tracks of unused land available to the side/front of the original houses and adhoc rear gardens.

- The modern design has regard to the constraints of the site. The scale and mass of the first floor is dictated by the existing terrace of houses and the site constraints.
- The proposal complies with the Development Plan standards for private amenity space as c.100sq.m of amenity area is available to the side and front.
- Included with the appeal are proposals for a modified design of the proposed house. This reduces the first floor element by c.8.5sq.m (30% of the entire first floor area). This has the effect of staggering the front elevation with the end gable of the terrace, ending with No. 490 Pearse Villas, visible behind the proposed dwelling at first floor. The applicant is of the view that this integrates the proposal more with both terraces and alleviates the Planning Authority's concerns relating to overdevelopment and proximity to the existing dwellings.
- Revised site layout plan has been submitted showing how four cars can be accommodated onsite without the need for reverse egressing movements onto the adjoining cul-de-sac.
- The applicant urges the Board to grant permission and that a precedent should be set for the use of valuable land in an area where there is so much wasted space.

6.3 Planning Authority Response

The Planning Authority noted the revisions to the proposed dwelling submitted with the appeal. Notwithstanding the reduced floor area at first floor level, it is considered that the proposed development remains unacceptable for this site. The overall scale of the dwelling, would give rise to overdevelopment of the site, would impact on the residential and visual amenity of the streetscape. The overall scale of the dwelling should be reduced further by way of the new application to allow a full assessment of same.

The Board is referred to the original Planners report and requested to uphold the decision of the Planning Authority and refuse permission.

6.4 Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The applicant has submitted modifications to the original design of the house and revised parking layout in the documentation that accompanied the appeal. I note that the scope of the changes would not require re-advertisement if the Board is of a mind to grant permission.

The issues can be dealt with under the following headings:

- Design.
- Residential Amenity.
- Other Issues
- Appropriate Assessment.

7.1 Design

7.1.1 Permission is being sought for a c.113.5sq.m two storey three bedroom contemporary style flat roofed house with a height of c. 5.7m on a site with a stated area of c.0.0614 hectares. Permission is also being sought for a single storey modern extension to the front of the existing terraced house, No, 491 Pearse Villas. Montages and 3D images have been submitted with the application and the appeal to illustrate the proposed development in the context of the surrounding built environment.

- 7.1.2 Section 8.2.3.4 (v) refers to the development of Corner/Side Garden Sites and sets out a range of criteria to be complied with including having regard to the size, design, layout and relationship with existing dwelling and immediately adjacent dwellings.
- 7.1.3 The relevant area, where the proposed house would be sited, is the side/front garden of No. 491. This section of the garden separates the terraces which are set at an angle with each other with No. 490 and No. 491 forming the end of each respective terrace of houses.
- 7.1.4 The proposed house, located on this prominent corner, would be set forward of the building line of both adjoining terraces. A single storey element with a brick finish projects beyond the proposed new building line of No. 491, which is in line with the front projections of the adjoining terraced houses to the west. The modified design submitted with the appeal, includes a staggered building line to the eastern elevation along the boundary, to assist the transition between the proposed house and No.490 Pearse Villas. Vertical fins are proposed to the first floor element in an attempt to address the visual impact of the house which projects beyond the building line of No. 490. In my view, the use of vertical timber fins, while creating a sense of transparency, would form a discordant feature on the streetscape at this location which would detract from the architectural uniformity of the terraces at either side of the proposed house.
- 7.1.5 The applicant has attempted to address the constraints of the site through the use of a contemporary design solution. However, in this instance, I am not satisfied that the proposal is an appropriate design intervention at this location as it does not adequately address the context of the site. In my opinion the contemporary design proposed would jar with the existing built environment and detract from the architectural grain of the area.
- 7.1.6 The site is located on a prominent corner within Pearse Villas. I consider the proposed development, which protrudes beyond the building line of the adjoining terraced houses, in terms of design, scale and mass would detract from the architectural composition of the existing terraces and would form a

discordant feature on the streetscape. Furthermore, the scale and mass of the proposal is considered overbearing and incongruous and would have a significant negative impact on the adjoining houses. In this regard the proposed development would not comply with Section 8.2.3.4 (v) of the Development Plan. The proposal would, therefore, seriously injure the character of the area and be contrary to the proper planning and sustainable development of the area.

- 7.1.7 Section 8.2.3.4 (i) of the County Development Plan refers to the criteria set out for domestic extensions. The proposed extension to the front of No. 491 includes the main access to the proposed house. I note that the proposal would project c. 2.5m beyond the existing building line, however this would be in line with the front projection of the adjoining house to the west which forms part of the same terrace. Notwithstanding, I have concerns that the proposed extension would not integrate with the existing house and terrace and would detract from the character of the area. In my view, the contemporary style of the proposed extension would jar with the existing pattern of development and result in a discordant feature on the streetscape and set an undesirable precedent for further similar developments. It would detract from the character and form of the main house which is contrary to section 8.2.3.4 (i) of the County Development Plan.

7.2 Residential Amenity

- 7.2.1 The Planning Authority's reason for refusal referred to the overdevelopment of the site with particular reference to the layout of the proposed development and its proximity to the boundaries with adjoining properties and the detrimental impact on the amenities of said properties.
- 7.2.2 I have concerns that the alignment of the site and the proposed set back of the house of c.0.6m from the boundary with No. 490, results in an overbearing and dominant presence. The eastern elevation has a staggered building line with a height of c. 5.7m which projects beyond the building line of No. 491. Given the restrictive nature of the site and the lack of set back from the boundaries, I

consider the proposed development to be overbearing and would have a negative impact on the residential amenities of No.490 & 491 Pearse Villas.

7.2.3 It is proposed to use angled vertical timber fins at first floor level to screen the habitable rooms from the adjacent house, No. 490 Pearse Villas, and to protect the residential amenities of future occupants of the house. The use of angled vertical fins is an effective design solution to address overlooking on restricted sites in urban areas. In this instance my concerns, as noted in section 7.1.4 above, relate to the visual impact of the timber fins rather than their effectiveness as a tool to address overlooking.

7.2.4 It is my view that the proposals, submitted with the planning application and the appeal, include a private amenity space to the side and front of the house that is incidental and would not serve as functional private open space. I consider the quality and location of private open space proposed is substandard and would constitute overdevelopment of this confined site which would be detrimental to the residential amenities of future occupiers and set an undesirable precedent.

7.2.5 Given the established pattern of development in the area, the shape and configuration of the site and its relationship to adjoining properties, and the scale of the development proposed. I consider the proposed development would result in an unsatisfactory standard of residential amenity for both the existing and future occupants of the proposed and existing dwelling houses on site and would result in overdevelopment of the site by reason of the inadequate provision of good quality private open space. The proposed development would, therefore, seriously injure the amenities property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

7.3 Other Issues

7.3.1 The applicant submitted a revised site layout plan to address the concerns raised by the Transportation Section in relation to the onsite parking and movement of cars within the site. I note that the site layout plan and 3D images

submitted with the appeal show a solid boundary along the side of the driveway and proposed parking area, separating the proposed house from No. 491. The hall door to the proposed house is accessed off the shared parking and driveway.

7.3.2 The site is accessed off a cul-de-sac where traffic speed and movements are limited. An additional house at this location would not give rise to an undue increase in traffic along this residential road.

7.3.3 The Transportation Section also recommended that the access off the road be increased in width to accommodate a shared entrance and details of right of way. These have not been addressed in the grounds of appeal.

7.3.4 The concerns raised by the Transportation Section relating to surface water could be dealt with by condition if the Board consider granting permission.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed house, by virtue of its design, mass and scale would be overly dominant and visually incongruous and would be at

variance with the predominant pattern of development in the area. The proposed development would, therefore, detract from the existing pattern of development in the area and be contrary to section 8.2.3.4 (v) of the Dun Laoghaire- Rathdown County Development Plan 2016-2022 and would set an undesirable precedent for further such developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed extension to No. 491 Pearse Villas, by virtue of its design and form, would not integrate with the existing house, would be visually incongruous and would be at variance with the predominant pattern of development in the area. The proposed development would, therefore, detract from the existing pattern of development in the area and be contrary to section 8.2.3.4 (i) of the Dun Laoghaire- Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the established pattern of development in the area, the shape and configuration of the site and its relationship to adjoining properties, and the scale of the development proposed, it is considered that the proposed development would result in an unsatisfactory standard of residential amenity for both the existing and future occupants of the proposed and existing dwelling houses on site and would result in overdevelopment of the site by reason of the inadequate provision of good quality private open space. 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.

Dáire McDevitt
Planning Inspector
31st July 2018.