



An  
Bord  
Pleanála

## Inspector's Report ABP-301713-18

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<b>Development</b>	Permission for revisions to the previously permitted dwelling PL06D. 242859
<b>Location</b>	34 Sandycove Road, Sandycove, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0216
<b>Applicant(s)</b>	Louise Reynolds
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Louise Reynolds
<b>Observer(s)</b>	1. Sean and Brenda Nolan 2. Bernadette Coffey
<b>Date of Site Inspection</b>	31 <sup>st</sup> August 2018
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site with a stated area of 0.041 hectares is located in a mature residential area in Sandycove, Co. Dublin. The site forms part of the curtilage of the Protected Structure at No. 34 Sandycove Road.
- 1.2. The appeal site is located in the rear garden of this property and the site is currently occupied by a single storey garage that has access to a laneway known as Sandycove Close.
- 1.3. The lane contains a mix of single and two storey garages and mews dwellings. The existing mews dwellings are very varied in style. The adjacent mews dwelling at No. 33 has a stone finish to the front elevation and a mansard type roof.

## 2.0 Proposed Development

- 2.1. Permission is sought for revisions to previously permitted dwelling (ABP Ref. PL06D.242859) for a two storey passive house.
- 2.2. The main changes from the previous design are as follows:
  - Design granted previously provided for a height of 6.3m and a stated floor area of 115.5m<sup>2</sup>. Three bedrooms were proposed. Amenity space of 23.8 square metres was provided to the side of the dwelling at ground floor level.
  - The design proposed under the current application provides for a height of 6.6m and a stated floor area of 147m<sup>2</sup>. Two very large bedrooms are proposed in lieu of the 3 previously proposed. Amenity space at ground floor level is 6.2m<sup>2</sup>.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for one reason as follows:

The site is located in an area with the zoning objective 'A' – 'To protect and/or improve residential amenity'. Having regard to the restricted nature of the site on the laneway and considering the scale, overall increased size, height and lack of sufficient open space, of the proposed development, it is considered that the proposed development would result in overdevelopment of the site, which would not comply with Section 8.2.3.4 (x): Mews Lane Development of the 2016-2022 Dun Laoghaire- Rathdown County Development Plan. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The planning report considered that the increase in height of the dwelling would have a greater impact on the amenity of the laneway. It also considered that the proposed infill of the ground garden space would increase the bulk, height and massing of development to the rear and facing onto adjoining gardens and neighbouring properties. It also noted that the proposed increase in footprint would deprive the future mews house of any conventional ground floor level private open space. It was considered that the first floor terrace of 56.6m<sup>2</sup> was insufficient for a house of 147m<sup>2</sup>.

### 3.2.2. Other Technical Reports

**Transportation Planning:** No objection subject to one condition.

**Drainage Planning:** No objection subject to conditions.

**Conservation Section:** No objections.

## 3.3. Prescribed Bodies

- No reports received.

### **3.4. Third Party Observations**

Three third party observations were submitted. The issues raised are similar to those raised in the observations submitted to the appeal.

## 4.0 Planning History

### Relevant History on this site:

#### **V040/18**

Certificate of exemption granted – Part V- 29<sup>th</sup> March, 2018.

#### **PA D13/0529/ PL06D.242859**

Permission granted by Planning Authority and by ABP on appeal for revisions to design of previously permitted house under PL06D.233134.

#### **D13A/0277 / PL.06D.242333**

Permission refused by PA for revisions to the design of the previously permitted dwelling D08/1169. Appeal to ABP withdrawn.

#### **PA D08A/1169/ PL06D.233134**

Permission granted by PA and by ABP on appeal for the demolition of a single storey garage and construction of a two storey rear mews dwelling. ABP Conditions included a requirement for revised drawings for written agreement to include a rear garden to a uniform depth of six metres between the new rear boundary wall and also to include an access into the rear garden area of the proposed dwelling off the indicated 'side access to the rear of existing house'.

### Adjacent Sites:

#### **D18A/0064**

Permission granted for extensions to main house at 32 Sandycove Road and for changes to existing mews.

#### **D17A/0429/ PL06D.248949**

Permission granted on Rock Yard Lane by PA and by ABP for a detached two storey two bedroom mews house. Appeal conditions included that the car port not be converted, Class 1 and Class 3 exempted development restricted, and an attic window omitted.

**D17A/0128/ PL06D.248548**

Permission granted by PA and ABP at Bloom's Lodge (rear/ adjacent to No. 37 Sandycove Road) for demolition of existing mews house and construction of replacement house. Appeal conditions included that the front elevation, first floor en-suite window be a fixed pane with obscure glass, and that Class 1 and Class 3 exempted development not be carried out without permission.

**D10A/0522 E/ PL06D.238071**

Extension of duration of permission originally granted by PA and ABP at rear of 36 Sandycove Road for demolition of existing single storey mews house and garage and construction of a replacement dwelling. Appeal condition No. 2 required that the overall ceiling height be reduced at first floor level to 2.5m and the parapet wall at roof level reduced to 0.5m. Compliance drawings agreed in writing with the PA indicate that the height is reduced down from 7.17m to 6.5m. Other appeal conditions included (No. 3) that the flat roof at first floor level to the rear not be used as a roof garden and be accessed for maintenance purposes only, and the car port to be a minimum of 9.6m length and 3m width to allow for two parked cars.

## **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.
- Sandycove Close is adjacent to but not located within the Sandycove Architectural Conservation Area.

**Appendix 4** includes the Record of Protected Structures & Architectural Conservation Areas. No. 34 Sandycove Road is part of a terrace of 10 dwellings all of which are protected structures and subject to the appropriate policies as set out in Section 6.1.3 and Section 8.2.11.2 of the Plan.

### **Built Heritage**

**Section 8.2.11.2 (iii)** refers to development management standards for development within proximity to a Protected Structure and the requirement to protect its setting and amenity.

### **General Development Management Standards:**

**Section 8.2.3.4 (x)** refers to general development management standards for mews lane developments. This includes garden depth to be retained by the main house in the case of new development, mews developments should be subsidiary, etc.

**Section 8.2.8.4 (i)** sets out the private open space requirements for new private houses. A figure of 48sq.m is acceptable for a 2 bed house in cases where good quality open space is provided.

**Section 8.2.8.4 (ii)** refers to separation distances between first floor opposing windows and the standard garden depth of 11 metres.

### **Architectural Heritage Protection Guidelines 2011**

**Section 13.1.1** refers to guidance and definitions for determining the curtilage of a Protected Structure. The notion of curtilage is not defined in law, but for the purposes of these Guidelines curtilage is taken as meaning the parcel of land immediately associated with that structure and which is (or was) in use for the purpose of the structure.

**Section 13.1.2** notes that the curtilage of a Protected Structure may coincide with the land owned together with it but this is not necessary and the Planning Authority

should ensure in such cases that the relevant landowners are aware of the status of their structure.

**Section 13.1.5** refers to the following three considerations when determining curtilage:

1. a functional connection between the structures;
2. a historical relationship between the main structure and the structure;
3. and the ownership past and present of the structures.

## 5.2. **Natural Heritage Designations**

None of relevance.

## 6.0 **The Appeal**

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

The grounds of the first party appeal can be summarised as follows:

- Table 1 provides a comparison between the revised mews and the previous mews granted by the Board under PL06D.242859.
- Table 2 compares the revised design to three adjacent permitted mews developments.
- The overall height can be reduced to 6.3m.
- To mitigate any overshadowing concerns, an insert glass block or translucent glass screen can be installed facing east and west shared boundaries in the upper level rear masonry screen wall.



## 6.2. **Planning Authority Response**

- The Board is referred to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

## 6.3. **Observations**

Two third party observations have been submitted which can be summarised as follows:

- Concerns regarding overshadowing and impact on residential amenities.
- The gardens of 31-33 Sandycove Road will be deprived of sunshine.
- Concern regarding overlooking.
- Concern regarding maintenance of the mews at No. 35.
- Concern regarding inadequate car parking.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on Residential Amenities
- Appropriate Assessment

## 7.2. **Visual Impact**

7.2.1. The design proposed is innovative and contemporary and is considered to be acceptable in terms of visual amenity. Concerns have been raised in relation to the height and scale proposed in the planner's report and the observations submitted. I

note that the more recent mews houses in this area are of increased height and scale with nap plaster finishes whereas the older houses are lower in height and overall size and have stone wall finishes.

- 7.2.2. I consider that the height proposed of 6.6m is acceptable having regard to the permitted permissions on adjacent sites at No. 36 and No. 37 under PL06.238071 and PL06.248458. I note that the Inspector recommended refusal at No. 36 (PL06.238071) for one reason relating to height and mass and overbearing impact on residential amenities. The Board recommended a grant of permission. Condition 2 required a reduction in height by reducing the height at first floor level to 2.5m and reducing the parapet wall at roof level to 0.5m. Compliance drawings have been submitted and agreed in writing with the Planning Authority which indicated a height of 6.5m. As such, I consider that the proposed height to 6.6m would result in a minimal increase in height to what has recently been granted in the immediate vicinity of the site and will not detract from the visual amenities of the area.

### **7.3. Impact on Residential Amenities**

- 7.3.1. Concerns have been raised regarding overlooking, poor quality open space and overdevelopment of the site.
- 7.3.2. I am satisfied that having regard to the design proposed, direct overlooking would not occur although there could be a perception of overlooking from the first floor terrace. The walls of this are 1.8m high and as such, I do not consider that overlooking would detract from the residential amenities of adjacent properties.
- 7.3.3. I do however, have concerns regarding the quality of open space and overdevelopment of the site. The appeal considers that 'the impact of the mews dwelling remains unchanged from the current permission and item 3 of the table outlining the schedule of impacts states that the impact is of little significance. I would agree that the impact is of little significant for the existing property in the ownership of the applicant at No. 34 Sandycove Road.
- 7.3.4. However, the house proposed is 147 square metres and the garden proposed is 56.6 square metres at terrace level. The planner's report considers that this 'is insufficient provision/ layout of private open space for a mews house of this size. I concur with this and consider the provision of the majority of the garden at roof

terrace is a very substantial change from the private open space provision at ground floor level in the parent permission. I consider that the area of c.6m<sup>2</sup> at ground floor level in the current application would be of little practical use as outdoor amenity space to future occupants as this is essentially part of the entrance outside the front door. I also consider that the quality of open space provision at first floor level would be poor as it is reliant on a high screening wall (to avoid overlooking) and could feel very enclosed.

- 7.3.5. I am of the view that this would lead to overdevelopment of the site and would provide a poor level of residential amenity for the future occupants. Furthermore, I share the concerns of the observers in relation to the bulk, scale and massing of the property when viewed from the adjoining properties. I consider that the proposed design would detract from the residential amenities of adjacent dwellings having regard to the bulk and massing of the design and the overbearing impact.
- 7.3.6. On balance, I consider the proposed development to be excessive in terms of its impact on adjoining properties. Furthermore, it is considered that the proposed development would set an undesirable precedent for similar types of development in the area and would not be in accordance with the proper planning and sustainable development of the area.
- 7.3.7. I note that the response to the appeal contains a number of suggested changes included reducing the height to 6.3m, reducing the rear masonry screen wall by 100mm to 4.55m lower than the current permission, reducing the screen wall around the upper garden terrace to 1.7m and placing an insert glass block or translucent glass screen in the upper level rear masonry screen wall.
- 7.3.8. I am of the view that these suggested changes would not address the main issues raised in relation to overdevelopment or the quality of open space provision for future occupants.

#### 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and small scale of the development and the location of the site in a fully serviced built up 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

8.1. Refusal of permission based on the following reasons and considerations:

## 9.0 Reasons and Considerations

Having regard to the scale, length and design of the first floor, it is considered that the proposed development would be overbearing in relation to the existing properties to the east and west of the proposed mews dwelling and would result in a loss of amenity to these properties. Furthermore, it is considered that the proposed private open space, which is reliant on screening (to avoid overlooking), would lead to an unacceptable loss of amenity to future occupants and would therefore be contrary to the proper planning and development of the area.

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Emer Doyle  
Planning Inspector

28<sup>th</sup> September 2018