



An
Bord
Pleanála

Inspector's Report ABP-301916-18

Development

Demolish existing shed and construct one detached, two bedroom two storey house with new vehicular entrance and gate, new pedestrian gate to front and side and associated site works.

Location

Site bounding St. Kevin`s Park to rear of 33, 33A, 33B, Dale Road, Stillorgan, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D18A/0333

Applicant(s)

Enda McTiernan

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Enda McTiernan

Observer(s)

Kevin & Katy Bannon

Date of Site Inspection

29th August 2018

Inspector

Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.015ha fronts on to St Kevin's Park and is located to the rear of Nos 33, 33A and 33B Dale Road. A narrow laneway along the west boundary of the site provides rear access to some of the neighbouring houses. The site is enclosed by fencing and the rear gardens areas of adjoining properties. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 Proposed Development

- 2.1. This is an application for permission to demolish existing shed and construct one detached, two bedroom two storey house (93.1 sqm) with new vehicular entrance and gate, new pedestrian gate to front and side and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC refused permission for the following reason:

The proposed development, by virtue of its design and sitting would appear visually obtrusive and incongruous when viewed from surrounding properties and the street. The proposed development would be out of keeping with the pattern of development and general character of the area, would represent overdevelopment of the site and having regard to the inadequate private amenity space and limited rear garden depth, it is considered that the proposed dwelling would result in a substandard level of residential amenity for future occupants of the proposed dwelling and would be contrary to Section 8.2.3.4 (v) (Corner/Side Garden Sites). The proposed development would have a detrimental impact on the residential amenity of the neighbouring properties, and would set a poor precedent for similar type development in the area. It is considered that the proposed development

would materially contravene the zoning objective, which is 'A', 'to protect and/or improve residential amenity', would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The **Case Planner** recommended that permission be refused for a single reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Transportation Planning** – Reference is made to Table 8.2.3 Car Parking Standard for a 2 bedroom dwelling where 1 no off street parking space is required. It is stated that the proposed car space dimensions as shown in submitted drawings are restrictive. Further information requested in relation to (1) the provision of a redesigned driveway / parking area with a minimum depth of 5.5m in accordance with Section of 8.2.4.9 of the Development Plan and (2) proposed new vehicular entrance or amendments to the height of the front boundary treatment.

3.2.5. **Drainage Planning** – No objection subject to conditions relating to surface water and permeable hardstanding.

3.3. **Prescribed Bodies**

3.3.1. There are no reports recorded on the planning file.

3.4. **Third Party Observations**

3.4.1. There are two observations recorded on the planning file from (1) Niamh Donnelly and (2) Margaret O'Sullivan. The issues raised relate to site planning history, inadequate information, substandard design, layout, height, scale, separation distances, overbearing, overshadowing, overlooking, depreciation of property values,

loss of amenities, overdevelopment, drainage, off street car parking, traffic hazard and loss of privacy.

4.0 Planning History

- 4.1. **PL06D.218056 (Reg Ref D06A/0409)** – DLRCC refused permission in 2006 on the same site for a two bedroom house with a stated floor area of 78.24 square metres with access from St Kevin's Park. Following a first party appeal the Board refused permission for the following reason:

In the Dun Laoghaire-Rathdown County Development Plan, 2004 the site is zoned A where it is the policy to protect and/or improve residential amenity. Having regard to the design and siting of the proposed dwelling and taking account of the cumulative impact with existing development on the site, it is considered that the proposed development would result in an unsatisfactory form of development which would provide inadequate amenity space, would be out of keeping with the pattern of development and general character of the area, would represent overdevelopment of the site and would seriously injure the amenities of neighbouring properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. Section 8.2.3.4 (v) deals with Corner/Side Garden Sites and (vi) deals with (vi) Backland Development.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Kane Architects on behalf of the applicant Enda McTiernan. The issues raised may be summarised as follows:

- The proposed modern intervention is in line with the development plan standards for Corner / Side Garden Sites (section 8.2 Development Management refers).
- Reference is made to 11m rear garden depth is at odds with the design standards for mews lanes. Reference to 11m rear garden depth relates to a requirement of 22m between opposing windows and this is not the case at this location. The rear garden area is designed to exceed the development plan standards in this case.
- The house is designed to be behind the building lines as set out by the buildings in Dale Road. If this was not a normal design criteria very few development would be carried out.
- Disagree that this scheme would depreciate values in the area. An increase in densities represents proper planning and development.
- Reference is made to a previous decision granted by the Board for a house on a much smaller house that did not meet development plan standards and was located in a ACA (ABP 243716 (Reg Ref D16A/0690) refers).

6.2. Planning Authority Response

6.2.1. DLRCC refers to the previous planners report and state 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

6.3.1. There is one observation recorded on the appeal file form Kevin & Katy Bannon, No 31 Dale Road. The issues raised relate to desing, siting, over development,

inadequate open space, loss of amenities, inadequate information, off street car parking and traffic hazard, substandard design, drainage, overshadowing and overlooking.

6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Traffic Safety
- Residential Amenity
- Other Issues

8.0 Principle

8.1. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective A which seeks *to protect and / or improve residential amenity* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.

8.2. DLRCC refused permission inter alia that the design and sitting of the scheme would appear visually obtrusive and incongruous when viewed from surrounding properties and the street. The site is not located within any designated conservation area. I have considered the design and visual impact of the scheme and while the dwelling is contemporary I do not consider that it will have such a significant negative impact on the established character or visual amenities of this residential area or the overall streetscape that would warrant a refusal in this instance.

9.0 Traffic Safety

9.1. The scheme provides for a new vehicular entrance and gate together with a new pedestrian gate onto St Kevin's Park and off street car parking for 1 no car under the car port. While this is a restricted site I am satisfied given the location of the appeal site together with the layout of the proposed scheme that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. However I share the concerns raised by the Transportation Planning Section that the proposed car space dimensions as shown in submitted drawings are restrictive. The confined nature of the proposed off street car parking is, in my view symptomatic of the over development of the site and the unsuitability of the site for a residential development.

10.0 Residential Amenity

10.1. DLRCC refused permission as the proposed development would represent overdevelopment of the site and a substandard level of residential amenity for future occupants and would have a detrimental impact on the residential amenity of the neighbouring properties.

10.2. The provision of open space to meet quantitative requirements as set out in the Development Plan is only one measure of the suitability of a scheme. Achieving a higher density development, such as that proposed, while protecting residential amenities of both existing and future resident requires careful consideration. Having regard to the design and siting of the proposed dwelling, I am not satisfied that the scheme would provide adequate qualitative amenity space to serve future residents. Further I consider that the development would seriously injure the amenities of neighbouring properties. Refusal is recommended.

11.0 Other Issues

Property Values – I note the reference to the depreciation of property values in the appeal. The proposal before the Board is for a residential development on lands zoned for residential use where such developments is considered a permissible use

and where it is reasonable to expect developments of this kind would normally be located. Such a development is not therefore considered to be a bad neighbour in this context. Accordingly I am satisfied that this matter is not material to the consideration of this appeal in this instance.

- 11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, within an established urban area, and its 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.
- 11.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the construction of a detached dwelling in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 11.3. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

12.0 Recommendation

- 12.1. It is recommended that permission be **refused** for the reasons and considerations set out below.

13.0 Reasons and Considerations

- 1) The operative Development Plan for the area is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A where

the objective is *to protect and/or improve residential amenity*. Having regard to the design and siting of the proposed scheme, it is considered that the proposed development would result in an unsatisfactory form of development which would provide inadequate amenity space, would be out of keeping with the pattern of development of the area, would represent overdevelopment of the site and would seriously injure the amenities of neighbouring properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Crowley

Senior Planning Inspector

26th September 2018