



An  
Bord  
Pleanála

## Inspector's Report ABP-302202-18.

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<b>Development</b>	Permission for a new house to the side of existing house.
<b>Location</b>	Greygables Cottage, 1 Lucan Road Old, Dublin 20.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD18A/0158.
<b>Applicant(s)</b>	Brendan Grogan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Brendan Grogan.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 <sup>th</sup> October, 2018.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

1.1. The appeal site is located within a kilometre of junction 7 on the M50 and within an established suburban estate. The site is currently occupied by a large semi-detached dwelling on a large corner site. The site has an overall stated area of 0.0733ha.

## 2.0 Proposed Development

2.1. Permission is sought for

- the demolition of existing garden structure,
- new dwelling to the side of the existing dwelling with dormer and single storey elements including dormer rooflights to the front roofslope and 'Velux' rooflights to rear roofslope (permission previously granted for new dwelling ref SD16A/0073,
- new vehicular entrance 3.5m wide opening onto Waterstown Avenue
- alterations to the existing boundary walls and new boundary wall to existing dwelling
- All associated site services and landscaping works.

2.2. The proposed development comprises a three bedroom dwelling with a stated floor area of 132m<sup>2</sup> which will connect to public water services in the area.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for the proposed development for 5 reasons, summarised as follows:

1. The development would injure the residential and visual amenity of the area.
2. The development would result in overdevelopment of the site.
3. The development would endanger public safety by reason of traffic hazard.

4. The application is deficient in term of a report from an arborist and how the proposed development boundary would integrate with the existing public realm.
5. The development would set an undesirable precedent.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning report formed the basis for the Planning Authority's decision to refused permission. The report considered the planning history associated with the subject site and concluded that the current proposal, with the addition of single storey elements to the previously permitted dwelling on the site, would be excessive and would result in overdevelopment of the site. The report further considers that the development would have a substandard and inadequate provision of private amenity space. It is recommended that permission be refused.

### 3.2.2. Other Technical Reports:

Roads Department: Notes that the front boundary wall should be no higher than 1.2m for approximately 7m along the front boundary in order to provide pedestrian forward visibility. Conditions are recommended.

Parks & Landscape Services: Further information needed in relation to the loss of trees and how the development boundary will integrate with the existing public realm.

Water Services: No objection.

Environmental Health Officer: Further information needed.

### 3.2.3. Other reports:

Irish Water: No objection.

### 3.2.4. Third Party Submissions:

None.

## 4.0 Planning History

The following is the relevant planning history relating to the subject site:

**PA ref SD16A/0073:** Permission granted for the construction of a new house on the current site, to the current applicant, subject to conditions.

This permission related to a 2 bedroom dormer house with a floor area of 87m<sup>2</sup>.

## 5.0 Policy Context

### National Policy / Guidelines

#### 5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.1.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

#### 5.2. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

It is a requirement that the proposed development be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

### 5.3. Development Plan

5.3.1. The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site. The site is located on lands which have an 'RES' Residential zoning. It is the stated objective of this zoning 'to protect and/or improve residential amenity'.

5.3.2. Section 2.4.0 of the Plan deals with Residential Consolidation – Infill, Backland, Subdivision and Corner Sites and states that 'In established residential areas sustainable intensification can be achieved through infill development, the subdivision of larger houses, backland development and the development of large corner sites'. The following policies are considered relevant:

Policy H17 states:

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

5.3.3. Chapter 11 of the Plan deals with implementation.

### 5.4. Natural Heritage Designations

The subject site is not located within, or adjacent to, any designated European Site. The site is located approximately 7km to the east of the Rye Water Valley/Carton SAC, Site Code 001398 and 10km to the west of South Dublin Bay SAC, Site Code 000210.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a first party appeal against the decision of the Planning Authority to refuse permission for a house. I have read all of the submitted document and the grounds of appeal are summarised as follows:

- Permission was granted in 2016, under SD16A/0073 for a new dwelling in the side garden.

- The current proposal seeks some alterations and adjustments to this permitted dwelling consisting of
  - New single storey extension to the front approximately 1000mm deep
  - New single storey extension to the side
  - New single storey extension to the rear
- The existing site is enclosed by a large boundary wall which provides privacy and security, preventing overlooking.
- There are no overlooking issues arising from the proposed amendments and the first floor remains as permitted.
- The existing 3.35m high wall along the Lucan Road is to be retained.
- The additional floor space will increase residential amenity and facilitate greater long term adaptability.
- The proposed building respects the main building line to Lucan Road Old at first floor.

In response to the reasons for the refusal, the following is submitted:

- Existing screening is maintained and there is little to no visual impact from street level.
- All proposed works are single storey in nature at the boundaries, with no potential for overshadowing. If necessary, the building can be stepped back 1m from the boundaries.
- The proposed building will be set back 2m from the Waterstown Road boundary to accommodate the requirements for boundary wall height.
- The previous grant of permission allowed for a new vehicular entrance and a number of the trees had to be removed to facilitate the entrance. The remaining tree is in poor condition and it is intended to remove this tree also.
- It is proposed that prior to the commencement of any works on the site, a detailed landscaping proposal will be submitted to deal with boundary treatment for the site.
- In terms of the issue of precedent, it is submitted that the proposal complies with development policy and is considered appropriate. The proposal

complies with all the relevant design standards and as such, would not set an undesirable precedent.

It is requested that permission be permitted for the proposed development with the amendments presented to address issues raised by the PA in their reasons for refusal.

## **6.2. Planning Authority Response**

The Planning Authority has responded to this appeal advising that the issues raised in the appeal have been covered in the planner's report. The PA confirms its decision.

## **6.3. Observations**

None.

## **7.0 Assessment**

Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, the proposed development and the planning history pertaining to the site, I suggest that it is appropriate to assess the proposed development under the following headings:

- The principle of the development and compliance with policy
- Planning History & Site Suitability
- Roads & Traffic
- Appropriate Assessment
- Environmental Impact Assessment

### **7.1. The principle of the development and compliance with policy**

7.1.1. The South Dublin County Development Plan 2016 – 2022 is the relevant policy document pertaining to the subject site. The site is located on lands which have an 'RES' Residential zoning. It is the stated objective of this zoning 'to protect and/or improve residential amenity'. Section 2.4.0 of the Plan deals with Residential

Consolidation – Infill, Backland, Subdivision and Corner Sites and states that ‘In established residential areas sustainable intensification can be achieved through infill development, the subdivision of larger houses, backland development and the development of large corner sites’.

- 7.2. Policy H17 states that it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

In terms of the above, together with the associated objectives relating to Policy H17, I am satisfied that the principle of the proposed development is acceptable.

### **7.3. Planning History & Site suitability:**

- 7.3.1. Chapter 11 of the Plan deals with implementation and sets out certain development management standards for residential development. In terms of the original proposal, the Board will note that there were a number of issues raised by the Planning Authority, which led to the refusing of the proposed development. The proposed development before the Board, essentially seeks to extend a previously permitted two storey house on the site.

- 7.3.2. In terms of site suitability, the Board will note that it is intended to connect the house to public services in accordance with the previous permission. There is no objection in this regard.

- 7.3.3. In terms of the private open space, the development, if permitted as originally proposed, will result in the provision of a private open space area of approximately 48.7m<sup>2</sup>. This area excludes the proposed courtyard, approximately 12.6m<sup>2</sup> and the hard surfaced area proposed for car parking, approximately 22.5m<sup>2</sup>. As proposed, the development would not appear to accord with the minimum private open space required for a three bedroomed house. The Board will note the altered site layout plans and footprint of the house as submitted in support of the first party appeal. Should the Board be minded to grant permission for the proposed development, I would consider that the footprint of the previously permitted house should be retained, with a grant of permission for the construction of the third bedroom extension to the north of the site. This would ensure that adequate private open



space is provided for the site. I am further satisfied that the siting of this proposed third bedroom at ground floor level is acceptable abutting the site boundaries as proposed and would ensure an appropriately sized accessible bedroom should it be required in the future.

7.3.4. In terms of the design and overall layout of the house and the site proposed, I am generally satisfied that the development is acceptable and would not significantly impact upon the existing residential or visual amenities of the area or surrounding properties.

#### **7.4. Roads & Traffic**

7.4.1. The Board will note that the receiving road is an existing residential road. The proposed access is to be located in proximity to existing access points and I am generally satisfied that there is no significant issue arising. I also note the planning history of the site in this regard.

7.4.2. The Roads Department of South County Dublin has required that the western boundary wall should not exceed 1.2m for a distance of 7m from the entrance in order to ensure pedestrian forward visibility and their safety. This is not achievable with the original proposed layout, but it should the Board be minded to permit the development in accordance with my recommendation as above, I am satisfied that the detail of the boundary wall treatment, as well as landscaping, can be dealt with by way of appropriately worded condition.

#### **7.5. Appropriate Assessment:**

The subject site is not located within, or adjacent to, any designated European Site. The site is located approximately 7km to the east of the Rye Water Valley/Cartron SAC, Site Code 001398 and 10km to the west of South Dublin Bay SAC, Site Code 000210. Having considered the nature and scale of the proposed development, on an existing greenfield rural site, together with the separation distance between same and the Natura 2000 site, it is appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites.

## **7.6. Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development, together with the location of the site within a developed area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 Recommendation**

It is recommended that planning permission be granted for the proposed development, for the following reasons and considerations and subject to the stated conditions.

## **9.0 Reasons and Considerations**

Having regard to the suburban nature, and the location of the subject site in a well-established residential area, together with the pattern of development in the area, the planning history of the site and the information submitted in relation to the proposed development, the Board is satisfied that, subject to compliance with the following conditions, a grant of permission for the proposed extension, would be acceptable in terms of the policy requirements of the South Dublin County Development Plan, 2016-2022, and subject to compliance with the following conditions, would not injure the existing visual and residential amenities of properties in the vicinity of the site. The development would be acceptable in terms 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 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 proposed development shall be amended as follows:
  - (a) The originally permitted footprint of the house only is hereby permitted. No permission is granted for the extended kitchen / utility area.
  - (b) The proposed ground floor en-suite bedroom and courtyard are permitted as detailed on the plans submitted to the planning authority dated 10 May 2018, drawing no. 15136-204 rev PP.01

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place and no additional caravans shall be brought onto the site, without a prior grant of planning permission.

**Reason:** In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

4. Prior to the commencement of any development on site, full details of the proposed boundary treatment for the site shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of pedestrian safety and visual amenity.

5. Prior to the commencement of any development on site, full details of a landscaping plan for the site shall be submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of visual amenity.

6. 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.

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A. Considine  
Planning Inspector  
10<sup>th</sup> October, 2018