



An
Bord
Pleanála

Inspector's Report ABP-302239-18

Development

Construction of a two storey detached 4 bedroom dwelling to the side garden of the existing house, a new vehicular entrance off Ballinlea Heights and all associated site works, services and landscaping.

Location

42, Ballinlea Heights, Killiney, Co.
Dublin A96 N6D7

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D18A/0461

Applicant(s)

June Hanratty

Type of Application

Permission

Planning Authority Decision

Type of Appeal

Third Party

Appellant(s)

Thomas and Joan Johnson and others

Observer(s)

1. Annie Murphy and others
2. David R.M. Algeo

Date of Site Inspection

6th November 2018

Inspector

Emer Doyle

1.0 Site Location and Description

1.1. The subject site with an area of 0.319 hectares is located in a cul de sac of semi-detached dwellings. The site forms the side garden of an existing two storey dwelling with velux rooflights at No. 42 Ballinclea Heights, Killiney, Co. Dublin. The general character of the area is low density and suburban. The existing dwelling is served by an entrance from the cul de sac. There is a low stone boundary to the front site boundary.

2.0 Proposed Development

2.1. The proposed development comprises:

- Subdivision of existing site and construction of new two storey dwelling with velux rooflights in side garden. The proposed dwelling is c. 3.6m forward of the existing dwelling and has a stated area of 199.5 sq. m and comprises of 4 No. bedrooms. Off street parking is provided for 2 No. cars. The overall height of the dwelling is 10.2m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. To grant permission subject to 11 No. conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report considered that the site could accommodate the proposed dwelling without impacting negatively on the visual impact of the streetscape. It considered that the proposed dwelling would not negatively impact on the residential amenities of adjoining dwellings.

3.2.2. Other Technical Reports

Transportation Planning: No objection.

Drainage Planning: No objection.

3.3. **Prescribed Bodies**

Irish Water: No objection.

3.4. **Third Party Observations**

- 3.4.1. Four No. observations were received within the prescribed period. The issues raised are similar to those raised in the observations and appeal submitted to An Bord Pleanála.

4.0 **Planning History**

V/122/16

Certificate of Exemption (Part V) granted.

D05B/0479

Permission granted for attic conversion to include 3 No. velux roof lights to the front and rear of No. 42 Ballinclea Heights.

D16A/0927

Permission granted for two storey 4 bedroom detached dwelling in side garden of existing house at 48 Ballinclea Heights.

5.0 Policy Context

5.1. Development Plan

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 Third Party Appeal

- Concerns regarding size, scale and visual impact of proposed house.
- Concerns regarding building line and height of house.
- Concern regarding overshadowing of houses Nos. 41 and 42.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- The Planning Authority consider that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.4. Observations

6.4.1. Two observations were received which can be summarised as follows:

- The proposed development is not in keeping with the scale, height and building line of adjacent properties.
- The proposed development does not comply with Section 8.2.3.4 of the Development Plan with regard to size, design and impact on neighbours.
- Concern regarding damage to historic Talbot Wall.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal.

Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Visual Impact

- 7.2.1. The subject development comprises a two storey dwelling with an attic floor served by velux rooflights to front and rear. The proposed development is located on a corner site adjacent to the turning area of a cul de sac. The building line of the proposed dwelling is c. 3.6m forward of the adjoining semi-detached dwellings Nos. 41 and 42.
- 7.2.2. The main issues raised in the appeal and observations in relation to visual impact related to the height, bulk, scale, and building line of the proposed dwelling. Concern was also raised in relation to the porch and the rendered finish.
- 7.2.3. The existing houses in the estate date back to 1969 when the estate was built and are of their time. Whilst attractive dwellings, they are not of any particular architectural quality which is necessary to emulate in my view. Whilst there are a variety of finishes throughout the estate, external finishes in this cul de sac include tiles as a design feature between the first and second floor, a combination of brick and render on the external wall and a tiled roof. Existing porches are flush with the house. The houses are not protected structures or in an Architectural Conservation Area.
- 7.2.4. I note that a precedent has been set already for sites in side gardens in this estate including recent developments on 184A, 37A, and 48A. Whilst these houses match the front building line and ridge height of existing houses, there are variations in design from existing houses in the estate including a hip roof in No. 37A and the use of render and timber in the front elevation of No. 48A.
- 7.2.5. I have no difficulty with variations in design, once the new houses generally harmonise with existing houses in the area. The front building line is considerably forward in relation to Nos. 41 and 42 but I note that Nos. 40 and 39 are also forward to Nos. 41 and 42 and I consider that the end of cul de sac location can accommodate a forward building line. Whilst the proposed ridge height is higher than the adjoining houses, the site is slightly lower and I consider that an increased ridge height can be accommodated at this end of cul de sac location. I consider that the proposed finishes are acceptable and that the design including the porch would not be detrimental to the character of the streetscape.

7.3. Impact on Residential Amenity

- 7.3.1. Concern is raised in the appeal in relation to overshadowing in the gardens of both the existing house on the site - No. 42 and the adjoining house – No. 41. Concern is also raised in relation to overbearing impact.
- 7.3.2. Having regard to the location of the house within the site, the orientation of the property, the distance to other properties, and the lower site at an end of cul de sac location, I do not consider that the proposal would have any material significant adverse visual, overbearing, or overshadowing impacts.

7.4. Other Matters

- 7.4.1. Concern was raised in the appeal that the proposal would compromise the 200 year old granite boundary wall adjoining Talbot Lane which dates back to the old Talbot owned Ballinlea House Estate.
- 7.4.2. I note that no construction works are proposed to this wall. Having regard to the distance between the proposed development and the wall, I do not consider that the construction works will impact negatively on the wall.

7.5. Appropriate Assessment

Having regard to the location of the subject site within an established and built up area, together with the nature and scale of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

7.6. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development, 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

- 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 current Dun Laoghaire Rathdown County Development Plan 2016-2022, the planning history of the site, the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. 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 within the curtilages of the existing or proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwellings.

5. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and pedestrian safety.

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, protection of the existing trees in the grass verges during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

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

7. 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

13 November 2018