



An  
Bord  
Pleanála

## Inspector's Report ABP – 302658 - 18

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<b>Development</b>	Internal alterations to house to convert to 3 bedroom house with extension and to construct new house with new vehicular entrance.
<b>Location</b>	31 Idrone Park, Knocklyon Woods, Templeogue, Dublin 24
<b>Planning Authority</b>	South Dublin Co. Council.
<b>Planning Authority Reg. Ref.</b>	SD18A/0250
<b>Applicant(s)</b>	Stuart and Anne Ruttle.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party – v - Condition
<b>Appellant(s)</b>	Stuart and Anne Ruttle.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> , November 2018.
<b>Inspector</b>	Paddy Keogh.

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in Knocklyon, Co. Dublin.
- 1.2. The site is located within a mature well established housing estate called Knocklyon Woods. The estate is located off the Knocklyon road c. 250m east of the M50 motorway.
- 1.3. Knocklyon Woods contains a mix of bungalows and two-storey detached and semi detached houses. The subject site occupies a corner site on Idrone Park. Corner sites within the estate are typically larger than average.
- 1.4. A two storey extension was previously added to the side of the original house which results in the existing dwelling being significantly larger than neighbouring houses in the vicinity.
- 1.5. Appendix A includes maps and photos.

## **2.0 Proposed Development**

- 2.1. It is proposed to sub-divide the site and to extend and reconfigure the existing house in order to provide for two separate (but attached) houses. One portion of the original house (to be identified as No. 31 Idrone Park) will effectively become a terraced house located between the neighbouring dwelling at No. 29 Idrone Park and the remaining, but extended, portion of the original house (to be identified as No. 31A Idrone Park).
- 2.2. A new pedestrian access is proposed to the side of the site. This pedestrian access will serve the rear garden of the new No. 31 Idrone Park.
- 2.3. It is proposed to reposition the existing vehicular entrance to the site and to create a new vehicular entrance to serve proposed house No. 31A Idrone Park. (This element of the proposed development has been omitted by the Planning Authority by condition – not appealed).

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority per Order dated 7<sup>th</sup>, September 2018 issued a notification of decision to grant planning permission subject to 10 conditions.

Condition No. 2 states:

(2) Amendments.

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

- (i) Revised plans that incorporate all the following amendments-
  - (a) The single storey rear extension of 31 Idrone Park shall not extend more than 4m from the original rear building.
  - (b) The second vehicular access shall be omitted. The existing entrance shall be widened to 4.4 m which shall serve as a shared entrance for both dwellings;
  - (c) Bedroom 3 fails to meet the required size specifications for a single bedroom, this shall be omitted for use as a bedroom, and the dwelling shall be a 2-bedroom dwelling;
- (ii) A commitment to complete the development in accordance with the required revised plans, and;
- (iii) The receipt of all these requirements from the applicant, owner or developer has been acknowledged in writing as an acceptable lodgement by the Planning Authority.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

### 3.2. Planning Authority Report

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- The proposed development is compatible with the zoning of the site in the current County Development Plan.
- Proposed House No. 31 will have a private open space (rear garden) of 53 sq.m. (excluding the pedestrian passageway serving the garden). This provision falls 7 sq.m. short of the minimum (60 sq.m.) specified in Table 11.2 of the County Development Plan. However, this shortfall is deemed to be acceptable.
- The floor area of proposed House No. 31 and proposed House No. 31A comply with Development Plan standards.
- Minimum floor area standards for bedrooms as set out in 'Quality Housing for Sustainable Communities – Best Practice Guidelines (2007) have been adopted into Section 11.3.1(iv) of the Development Plan. These specify a minimum floor area for a single bedroom at 7.1 sq.m.
- Bedroom No. 3 of proposed house No. 31 is a single bedroom is 5.7 sq.m. in area and, therefore, does not meet the required minimum standard of 7.1 sq.m.
- The proposed development complies with council policy in relation to residential development on corner sites as set out in Section 11.3.2(ii) of the Development Plan.
- The proposed extension to the rear of proposed House No. 31 would extend 5.5m beyond the established rear building line. In order to protect the amenity of the adjoining house the proposed rear extension should be modified so that it does not project more than 4m from the rear building line. This modification would help to more closely align the private amenity space provision with the requirements of Table 11.20 of the Development Plan.
- The requirements of the Roads, Water Services and Parks Departments are noted.

The decision is in accordance with the Planner's recommendation to grant planning permission subject to conditions.

### 3.3. Other Technical Reports

- **Parks Department** – No objection subject to conditions
- **Roads Department** – No objection subject to conditions
- **Surface Water Drainage** – Report recommended additional information be requested. However, the Area Planner was satisfied that the relevant matter could be satisfactorily addressed by way of the attachment of an appropriate condition to a grant of planning permission.

### 3.4. Third Party Observations

None

### 4.0 Planning History

Planning Authority **Reg. Ref. SD08B/0445** refers to a grant of planning permission for a pitched roof over existing garage and porch at No. 31 Idrone Park.

### 5.0 Policy Context

#### 5.1. South Dublin County Development Plan 2016 - 2023

Under the County Development Plan 2016 – 2022, the site is zoned '**RES: To protect and/or improve residential amenity**'.

Section 2.4.0 of the Development Plan considers Residential Consolidation – Infill, Backland, Subdivision and Corner sites. Housing **Policy 17** 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*'.

**H17 Objective 2** states '*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation*'.

**H17 Objective 3** states '*To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation*'.

**H17 Objective 5** states '*To ensure that new development in established areas does not impact negatively on the amenities or character of an area*'.

Section 11.3.2 (ii) specifically refers to Corner/Side Garden sites. It states (inter alia):

*The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings; The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings; The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings; Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings; and, Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

## 5.2. Natural Heritage Designations

Glenasmole Valley SAC (Site Code 001209) is c. 5km south-west of the site.

Wicklow Mountain SAC (Site Code 002122) is c.5km south of the site. Wicklow

Mountain SPA (Site Code 004040) is c. 5.4km south of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal has been lodged by the Applicant. This appeal is against Condition No. 2 (i)(a) and (i)(c) only as attached to the Planning Authority notification of decision to grant planning permission. In summary, it includes:

#### **re: Condition No. 2(i)(a)**

- The reason for the imposition of the reduction of the projection of the single storey extension to the rear of No. 31 from the proposed 5.45m to 4m has not been given in the stated Reason for the Condition.
- It would appear that the required reduction from 5.45m to 4m is (a) in the interest of protecting the amenity of the adjoining property from whom there was no objection and (b) to satisfy a perceived shortfall of 7 sq.m. in private open space provision to meet the standards set out in the Development Plan.
- The residential amenity enjoyed by the residents of the adjoining house at No. 29 Idrone Park will not be lessened as a result of the proposed development. The proposed rear extension is a single storey structure and will be finished with a roof at a minimum pitch angle which will project above the separating block wall by 1400mm only. Furthermore, the structure will be end hipped to minimize its visual impact.
- The proposed extension is compatible with other existing extensions that have been permitted in the vicinity of the site, notably an extension to the rear of No. 13 Idrone Park which occupies a corner site at the opposite end of Idrone Park which is similar in character to the appeal site.

- It is contended that there will be no shortfall in private open space provision. Actual private open space provision to the rear of proposed house No. 31 is 68 sq.m. It is acknowledged that the calculation of this figure includes 15sq.m. located within the proposed pedestrian passageway that will link the rear garden with the public footpath.
- If necessary, the rear garden of No. 31 can be extended slightly by splaying the corner adjoining the proposed rear garden serving No. 31A (as indicated on Drg. Accompanying the appeal – Drg. No. 2018.548.02F).

**re: Condition No. 2(i)(c)**

- Bedroom No. 3 to serve proposed House No. 31 comprises an existing bedroom serving the existing dwelling on site.
- Bedroom No. 3 has similar dimensions to Bedroom No. 3 of many other houses at Idrone Park.
- The bedroom is not substandard in size. A drawing (at a scale of 1:50) indicates that it scales to 7.1 sq.m. which is in keeping with minimum bedroom size as set out in the Development Plan.

**6.2. Planning Authority Response**

- The Planning Authority responded stating that they confirm their decision to grant planning permission and all issues raised have been addressed in the Planner's Report.

**6.3. Observations**

- None



## 7.0 Assessment

- 7.1. The appeal relates solely to Condition No. 2(i)(a) and 2(i)(c) of the Notification of Decision to Grant Planning Permission issued by the Planning Authority which relate to the length of the extension to the rear of House No. 31 and to the omission of bedroom No. 3 respectively.
- 7.2. I consider it appropriate that the scope of the assessment is restricted to the consideration of Condition No. 2(i)(a) and 2(i)(c) as attached to the Notification of decision issued by the Planning Authority in accordance with S. 139 of the Planning and Development Act (as amended) and a consideration of the appeal de novo is not warranted in this instance.
- 7.3. In relation to Condition No. 2(i)(a) the submitted grounds of appeal assert that the Planning Authority has failed to clearly specify the reason for this requirement. This assertion appears to be correct. The report from the Area Planner refers to the fact that restricting the length of the single storey rear extension to 4m beyond the established rear building line would help to achieve a private open space (rear garden) provision closer to the Development Plan minimum requirement of 60 sq.m. However, elsewhere in the report the Area Planner states that the quantum of private open space provision (53 sq.m. excluding the pedestrian passageway serving the rear garden) is acceptable.
- 7.4. I note that the proposed single storey extension to the rear of proposed House No. 31 will be finished with a pitched roof. The eaves height of this roof will be finished to a height of 1400mm above the height of the existing garden wall separating the rear garden of the of No. 31 and the adjoining house at No. 29 Idrone Park. Given the existing configuration and orientation (north facing rear gardens) of development at this location, I consider that the proposed rear extension would not seriously injure the amenities of the adjoining property by reason of its visual impact or by reason of overshadowing. In these circumstances, I see no particular merit to the requirement to reduce the length of the proposed rear extension by 1.45m.
- 7.5. The Area Planner has referenced the fact that the attachment of Condition No. 2(i)(a) would facilitate the provision of a larger rear garden to serve House No. 31. However, having regard to the established character and pattern of development in the immediate vicinity of the site including the separation distance to the opposing rear

elevations of neighbouring houses, I consider that the area of rear garden space proposed to serve House No. 31 is adequate (53sq.m. supplemented by a pedestrian access passageway).

- 7.6. In light of the foregoing, I consider that the requirement of Condition No. 2(i)(a) as attached to the planning authority notification of decision to grant planning permission is unwarranted.
- 7.7. In light of the limited scale of the rear garden of House No. 31 the Board may consider it appropriate to replace Condition No.2(i)(a) with a condition to de-exempt garden sheds, greenhouses, stores etc, otherwise deemed to be exempted development under Class 3 of Schedule 2 of the Planning and Development Regulations 2001. However, on balance, I consider that such a course of action is unnecessary. The rear garden is only marginally substandard in area and sheds, stores etc. are a normal domestic requirement of households.
- 7.8. In relation to Condition No. 2(i)(c), the submitted grounds of appeal include a Drawing (Drg. 'Survey Bedroom 3) confirming that bedroom No. 3 in proposed House No. 31 scales to 7.1m and, therefore, complies with Development Plan standards. Furthermore, it is pointed out that bedroom No. 3 will be retained with the same dimensions as it had when it served the existing house at No. 31. It has similar dimensions to other third bedrooms serving houses throughout Idrone Park. No alteration to this bedroom is proposed. In light of these factors, I consider that Condition No. 2(i)(c) of the Planning Authority Notification of decision to grant planning permission is unwarranted.

## 8.0 Recommendation

- 8.1. I recommend that the Planning Authority be directed to REMOVE Condition No. 2(i)(a) and 2(i)(c) for the Reasons and Considerations as set out below.

## 9.0 Decision

- 9.1.1. **Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2(i)(a) and 2(i)(c) and the reason therefor.**

## 10.0 Reasons and Considerations

Having regard to established character and pattern of development in the vicinity of the site including the height of the existing boundary wall separating the rear gardens of proposed house No. 31 Idrone Park and the existing house at No. 29 Idrone Park and to the height, scale and orientation of the proposed extension to the rear of No. 31 Idrone Park it is considered that the proposed extension would not seriously injure the residential amenities of the area by reason of visual intrusiveness or overshadowing. Furthermore, on the basis of the documentation on file, it is considered that Bedroom No. 3 serving house No. 31 Idrone Park is adequate in area to serve for its intended purpose.

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Paddy Keogh  
Planning Inspector

23<sup>rd</sup>, November 2018