



An  
Bord  
Pleanála

## Inspector's Report ABP-302728-18

### Development

Permission for the demolition of an existing single storey habitable dwelling and 2 no. single storey sheds, construction of 2 no. 3 storey 4 bedroom terraced houses.

### Location

14 Alexandra Terrace, Dundrum Road, Dublin 14.

### Planning Authority

Dun Laoghaire Rathdown County Council

### Planning Authority Reg. Ref.

D18A/0714

### Applicant(s)

Dundrum SPV Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Dundrum SPV Ltd.

### Observer(s)

1. Jacqueline and Peter Soo and others

2. Residents of Alexandra Terrace

**Date of Site Inspection**

8<sup>th</sup> January 2019

**Inspector**

Emer Doyle

## **1.0 Site Location and Description**

- 1.1. The proposed development is located in an established residential area in Dundrum, Dublin 14. The subject site is located on lands between Alexandra Terrace and Magenta Terrace. The subject site has a stated area of 0.302 hectares and currently accommodates a single storey dwelling and associated outbuildings.
- 1.2. Alexandra Terrace is a narrow street where there is limited parking and existing development consists primarily of traditional single storey and two storey red brick terraces. The street is a cul de sac and there is a gentle rise in the topography from East to West. Magenta Terrace is a relatively recent development which is separated from the site to the rear by a pedestrian access which is stepped and primarily consists of two storey dwellings. There is a three storey building facing a very large open area at the top of the steps.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the demolition of an existing single storey house and the construction of 2 No. three storey four bedroom houses.
- 2.2. Revised drawings were submitted with the appeal which provided for a 1.8m high timber screen on the balconies at first floor level. It is also proposed that the second floor balcony will have a timber screen of 1.1m high. Appendix G contains a visual of the proposed rear elevation.
- 2.3. The revised drawings submitted in response to the Section 131 Notice also showed modifications to garage door widths to comply with the requirements of Transportation Section.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused for 2 No. reasons as follows:

1. The private open space areas associated with the two houses is considered to be piecemeal. Deficient in location and quality and would result in a substandard form of development for future occupants as well as leading to significant undue overlooking potential to property to the sides and rear. The development would seriously injure the residential amenity of future residents, would seriously injure the amenities, or depreciate the value, of property in the vicinity, would materially contravene the zoning objective of the site which is zoned 'Objective A; to protect and/or improve residential amenity' under the Dun Laoghaire- Rathdown County Development Plan 2016-2022, would comprise overdevelopment of the site and would be contrary to the proper planning and sustainable development of the area.
  
2. It is considered that the heights of the structures would be visually incongruous in terms of height, would have an overbearing impact on adjacent houses, would seriously injure the amenities, or depreciate the value, of property in the vicinity, would materially contravene the zoning objective of the site which is zoned 'Objective A; to protect and/or improve residential amenity' under the Dun Laoghaire- Rathdown County Development Plan 2016-2022, and 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 Authority report expressed concerns in relation to height, overlooking and inadequate quality of private open space. It considered that the development would result in a substandard development for occupants, would contravene the zoning objective of the area and comprises overdevelopment. It also considered that the height of structures, cited as a

reason for refusal in the Board's decision under ABP-3000090-17, has been increased from the most recent development.

### 3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions.
- Drainage Section: Requires Further Information.

### 3.3. Prescribed Bodies

No reports.

### 3.4. Third Party Observations

Five No. submissions were received. The issues raised reflect the issues raised in the observations submitted to the appeal.

## 4.0 Planning History

4.1 There have been a number of previous applications on the subject site which can be summarised as follows:

#### **PA D17A/0718/ ABP 3000090-17**

Permission refused by PA and by the Board on appeal for the demolition of an existing single storey dwelling and 2 single storey sheds and the construction of a terrace of 3 residential units with associated landscaping, bicycle and bin storage.

#### **PA D16A/0492**

Permission sought for the demolition of existing dwelling and outbuildings and the construction of 4 terraced, 3 storey, 3 bedroom dwellings. The application was withdrawn in August 2016. The application site included no. 1 Alexandra Villas, the existing dwelling to the west of the current site.

4.2 The following applications related to a larger site which incorporated the subject site in addition to the two existing residential properties to the immediate west.

**PA D10A/0622**

Permission granted in July 2011 for the demolition of existing structures and the construction of 5 no. apartments with surface car parking.

**PA D09A/0253**

Permission refused in June 2009 for a development comprising 4 no. duplex units, 2 apartments and one retail unit. Reasons for refusal related to the failure to provide a high quality design for site. It was considered that the development would provide inadequate public and private open space; would have inadequate sightlines and car parking provision; that the layout of the retail unit was not acceptable; that the proposed surface car park layout was unacceptable and insufficient detail regarding SUDS and drainage.

**PA D08A/0582**

Construction of mixed use development in 2 blocks comprising 4 no. apartments in block 1 and a retail unit and two office units in block 2 with basement car park. Reasons for refusal related to the over concentration of commercial development and overdevelopment of the site which would lead to an overbearing and overshadowing impact.

**PA D04A/1498/ ABP PL06D.217268**

Permission refused for a residential development comprising 7 no. 2 bedroom apartments in a four storey block fronting onto Dundrum Road and Alexandra Terrace with set back at third floor level from both Dundrum Road and Alexandra Terrace. 2 no. 2 bedroom apartments and 1 no. 1 bedroom apartment in a 2 storey wing fronting onto Alexandra Terrace. Car parking for 8 no. cars on site with an entrance from Alexander Terrace. The reason for refusal related to the scale and height of the development which was considered to be overbearing.

- 4.3 There has been one application on the adjacent site to the west of the site at no. 1 Alexandra Terrace.

**PA D17A/0534**

Permission granted for a development comprising Retention Permission for demolition of existing single storey flat roof building to the front/west of the site (c.28.07sq. m.) and construction of a new single storey flat roof building (c.28.07sq. m.) at the same location; change of use of this building from retail use to residential use; demolition of the existing single storey structure to the rear of the existing dwelling (c.5.2.sq. m.); demolition of existing single storey flat roof residential element at the rear of the existing dwelling (c.5.5 sq. m.) and construction of a new two storey flat roof residential extension at the same location (c.11 sq. m.).

Permission for: new elevational treatment to the front elevation of the single storey building located at the front of the site including 2 no. windows and provision of a new gate to the rear courtyard from Alexandra Terrace.

## 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: to *protect and or improve residential amenity*. Relevant policies and objectives of the plan include:

**Res 3: Residential Density:** It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

**Res 4: Existing Housing Stock and Densification:** It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

**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.”*

5.1.2 **Table 8.2.3** sets out car parking standards. For residential dwellings, 1 space is required per 2 bed unit and 2 spaces per 3 bed unit. Section 8.2.4.5 notes that reduced car parking standards may be acceptable in certain circumstances such as the location of the development and specifically its proximity to Town Centres and also proximity to public transport.

5.1.3 **Section 8.2.8.4** sets out quantitative standards for private open space. This notes that for 1 and 2 bedroom houses a figure of 48 sq. metres may be acceptable where it can be demonstrated that good quality usable open space can be provided on site. For 3 bedroom units the standard is 60 sq. metres. It is stated that *“in instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by case basis.”*

## 5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2002 sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC located c. 3.8 km to the east of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal can be summarised as follows:

- The private open space is in excess of Development Plan requirements.



- Revised drawings have been submitted which provide for a 1.8m high screen at first floor level so as to mitigate fully any overlooking.
- The separation distances normally required in a suburban area are not realistic as this is a built up urban area.
- The building height is not significantly higher than the previous appeal refused by the Board under ABP 300090-17.
- Revised drawings show that the requirements of the Transportation Section can be achieved with minor modifications to the internal layout and width of the garage doors.
- A separate response is submitted in relation to the drainage issues.
- Reference Image 2 indicated the angled arrangement of screening.

## 6.2. Planning Authority Response

The Planning Authority response can be summarised as follows:

- Section 4.0 of the appeal cover letter states that ‘it should be highlighted that the planner makes contradictory statements regarding the second floor balcony, the first comment states that it is a ‘relatively large balcony’ and it is later referred to as a ‘small balcony’. This is inaccurate. Under Section 3 of the Planning Report (House Types) the second floor balconies are referred to as ‘relatively large’. Under Section 4 (Residential Amenity) of the Planning Report it is stated that there is ‘a large first floor terrace and a smaller balcony at second floor area.’ This is clearly a reference to the size of the second floor balcony in the context of the large first floor terrace area. It is not referred to as a ‘small balcony’ as stated in the appeal document and there is clearly no contradiction in the Planning Report in this regard.
- The drawing submitted with the appeal response does not accurately reflect the development refused by the Board under ABP-300090-17. The height of the previously proposed structure on the western boundary was 7.147m. The red dotted line on the appeal drawing indicating the previously proposed

development has a height of approx. 8.25m not 7.147m. To the Emden Lodge/ east side the height of the development previously proposed is illustrated as < 6m rather than the actual 8.204m height and it has a hipped roof profile rather than a straight profile. Therefore the identified ridge height of D17A/0718 superimposed on the current application does not appear to resemble the heights and profile of that received by the Planning Authority under D17A/0718.

- The Planning Authority considers that the decision to refuse permission for the development was the appropriate decision.

### 6.3. Observations

The observations submitted can be summarised as follows:

- Concerns regarding overlooking.
- Concerns regarding overbearing design.
- Three storey design is inappropriate. Height is excessive and developer relies on a building that is not situated on Alexandra Terrace as a reference point for height markings in the drawings.
- Poor quality open space - a 2m strip of land beside a 3.2m wall.
- Concern regarding parking.

### 6.4. Further Responses

A further response was received from the applicants which addresses the comments of the Planning Authority response as follows:

- We would still consider the comments of the Planning Authority in relation to the size of the balcony and private open space to be contradictory.
- In relation to height of the previous application - the drawings provided to ABP are to scale - should the Board wish to measure and in any case an undated

drawing has been included as part of this response Drawing Ref. 3.1.200 Rev. B.

## 7.0 Assessment

7.1. The main issues are those raised in the grounds of appeal and observations and it is considered that no other substantive issues arise. The issues can be dealt with under the following headings:

- Height and Design
- Impact on Residential Amenities
- Other Issues

### 7.2. Height and Design

7.2.1. The main concerns in relation to design relate to the height, scale, bulk, and massing of the building, and impact on streetscape.

7.2.2. I note that the Board previously refused permission for 3 No. dwellings on this site under 300090-17 for 3 No. reasons. The first reason was as follows:

*'It is considered that the proposed layout and design of the proposed development and in particular dwelling number 1 would result in a substandard form of development on this site. It is considered that the three storey dwelling (house 1) would be incongruous in terms of its design, scale and height, would be out of character with the streetscape, would have an overbearing impact on the dwellings to the west and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.'*

7.2.3. The Planning Authority in their response to the appeal consider that the drawing submitted with the appeal which superimposes the previous development is inaccurate. The second response from the applicant has submitted the same drawings with the height differential indicated on them. Having reviewed the drawings, I am satisfied that the drawings submitted by the applicant are in

accordance with the drawings submitted with the appeal on the history file under ABP 300090-17 (1/11/17- Drawing No. 3.1.101- proposed north elevation for An Bord Pleanála consideration).

- 7.2.4. A key objective of the NPF is to encourage greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development. The recently published section 28 ministerial guidelines 'Urban Development and Building Heights' (December 2018) also encourage higher buildings in certain sites well served by public transport provided that the increased height can be successfully integrated into the area and respond to the scale of adjoining developments.
- 7.2.5. Whilst the site is an underutilised brownfield site in an urban area very well served by public transport, I am not satisfied that the increased height can be successfully integrated into the area nor does it respond to the scale of adjoining developments.
- 7.2.6. The site has a stated area of 0.0302 hectares and currently accommodates a derelict single storey red brick cottage and a number of associated outbuildings. To the east of the site is a detached bungalow known as Emdem Lodge which is surrounded by a high brick wall and hedge. To the north of the site are traditional two storey red brick terraced dwellings. The site is separated from a new development known as Magenta Terrace by a pedestrian access with heights ranging from two to three No. stories. I note that the three storey part of the development is located at the top of a pedestrian access and faces an extremely large open area. The building on Magenta Terrace facing the large wide open area has been carefully thought out and has been assimilated into the streetscape and makes a positive contribution to the public realm at this location in my view. The buildings on Magenta Terrace are included in the contextual elevation, but whilst they are useful in terms of providing a context for the proposed development, the context of the three storey element of Magenta Terrace is entirely different from Alexandra Terrace. Alexandra Terrace is a narrow cul de sac with limited car parking and the main types of development on the street are single and two storey red brick terraces of traditional design.
- 7.2.7. The proposed design is higher than the previous design which the Board recently refused in terms of height. I accept that it has a two storey appearance to the front, nevertheless, I consider that the overall design impacts more negatively on the

streetscape than the previous design. House No. 2 is located to the west of the bungalow Emdem Lodge. The previous design provided for both a lower ridge height and a hipped roof profile which provided for an improved relationship and understanding of the context of the site than the current design proposed. The opposite end of the building has also increased in height by c. 1m and I consider that the overall scale, bulk, height, and massing would detract from the character of the area. As such, I am of the view that the previous reason for refusal has not been addressed.

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

- 7.3.1. Concerns have been raised regarding overlooking, overbearing impact, and poor quality open space.
- 7.3.2. Private open space is proposed as follows: House No. 1- rear garden on ground floor- 16 square metres, balcony open space on first floor accessed from a living room - 42.7m<sup>2</sup> and balcony on 2<sup>nd</sup> floor accessed from a bedroom – 16.4m<sup>2</sup> (total c. 75m<sup>2</sup>), House No. 2 – rear garden on ground floor- 21.1m<sup>2</sup>, balcony open space on first floor accessed from a living room- 51.2m<sup>2</sup> and balcony on 2<sup>nd</sup> floor accessed from a bedroom – 13.1m<sup>2</sup> (total c. 85m<sup>2</sup>). Whilst both houses meet the Development Plan requirements in terms of quantity, I share the concerns of the planner in terms of quality. Both houses have four bedrooms, yet the open space is located in three separate areas with only a narrow strip on the ground floor varying in width from 1.5m to c. 2.3m. I consider that this area is of little practical use as outdoor amenity to future occupants and would be very enclosed due to the high wall between this area and the pedestrian access at Magenta Terrace to the rear. I also consider that the areas at first floor level would be of poor quality as they are reliant on timber screening of 1.8 m to avoid overlooking. I note that the Planning Authority had expressed concern in relation to overlooking to the east and west and additional screening of 1.8m is proposed in the appeal response. Whilst this would address the concerns raised in relation to overlooking, it would add to the enclosed feeling of the private open space at this location and detract from the residential amenities of future occupants. I consider that the open space provision is piecemeal and of poor quality for large houses of the size proposed.

- 7.3.3. I am satisfied that having regard to the design proposed, the distance from Magenta Terrace (varying between c.12m and c. 14m at first floor level), the urban location of the site, and the pedestrian laneway between the site and the adjoining development to the rear, direct overlooking would not occur. There could be a perception of overlooking from the first and second floor balconies, however, I note that 1.8m high screens are proposed at first floor level and 1.1m high at second floor level in the revised drawings submitted with the appeal.
- 7.3.4. Whilst the second reason for refusal of the Board has partially been addressed in terms of meeting the quantity of private open space required by Section 8.2.4.1 of the Development Plan, I consider that the quality is poor, and the piecemeal nature of the open space over three floors, and the narrow strip of private open space at ground floor level would lead to a poor quality of residential amenity for future residents. There is scope in the Development Plan for a relaxation in the quantum of private open space where an innovative design response is provided on the site, however, I consider that the proposed development has sought to meet the standards in terms of quality but has not achieved an innovative design with a reduced quantity but increased quality. Whilst, I do not consider that overlooking would seriously detract from the residential amenities of adjoining properties, I share the concerns of the observers in relation to the bulk, scale and massing of the property when viewed from nearby properties. As such, 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.

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

- 7.4.1. Having regard to the nature and scale of the proposed development, an infill brownfield serviced site in an urban area, and the 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.

## **7.5. Environmental Impact Assessment**

- 7.5.1. Having regard to the minor nature and scale of the proposed development and the location of the site some significant distance from any sensitive locations or features, 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. Refusal of permission based on the following reasons and considerations:

## **9.0 Reasons and Considerations**

1. The proposed development by reason of its height, bulk, scale, and overbearing design does not adequately respond to the context of the site and would be visually obtrusive in the existing streetscape. The proposed development would be out of character with the surrounding area and would seriously injure the amenities or depreciate the value, of the property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed private open space for both dwellings is considered to be of poor quality by reason of its piecemeal nature over three floors, the narrow strip of open space at ground floor level, and the reliance on screening at first floor level (to avoid overlooking). The proposed development would, therefore, seriously injure the residential amenity of future occupants and would be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector  
31<sup>st</sup> January 2019