



Development

The construction of a two-bedroomed single storey over basement dwelling with new entrance from Sweetbriar Lane, off street parking and all associated site works and services.

Location

To the rear of No. 1 Woodley Park (a corner site at the junction of Woodley Park and Sweetbriar Lane), Kilmacud, Co. Dublin.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D18A/0092

Applicant(s)

Irene O'Brien and Mel Maclaine

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Eimear & Marie Duffy

Observer(s)

None.

Date of Site Inspection

21st December, 2018

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in an established residential area in the outer suburb of Kilmacud, approximately 750m southeast of Goatstown and 1.8km north of the M50 Motorway, where it occupies a corner plot at the junction of Woodley Park and Sweetbriar Lane. The surrounding pattern of development is predominantly characterised by conventional suburban housing typified by two-storey, semi-detached dwellings with front and rear garden areas, although a contemporary infill unit has been developed on the adjacent lands to the immediate north at No. 168A Lower Kilmacud Road. The site itself has a stated site area of 0.0176 hectares, is rectangular in shape, and presently comprises the northernmost part of the rear garden area serving the existing two-storey dwelling house at No. 1 Woodley Park. It is bounded by residential properties to the north, south and west with the public road (Sweetbriar Lane) to the east.

2.0 Proposed Development

2.1. The proposed development involves the subdivision of the housing plot presently occupied by No. 1 Woodley Park to facilitate the construction of a detached, single-storey-over-basement dwelling house within its rear garden area. The overall design of the proposed dwelling house is based on an asymmetrical plan and will utilise a conventional pitched roof construction with external finishes to include selected brick, blue / black natural slate roof tiles, and the feature use of decorative brickwork. It has a stated floor area of 155.5m² and an overall ridge height of 6.673m over ground level (excluding the proposed basement construction). Access to the single car parking space proposed on site will be obtained via a new entrance arrangement onto Sweetbriar Lane to the immediate east. Water and sewerage services are available from the public mains network.

N.B. The subject application has been accompanied by an application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 21st September, 2018 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 14 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, surface water drainage, construction management, and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report details the site context, the planning history, and the applicable policy considerations before stating that the overall design and layout of the proposed development will not detract from the character of the surrounding area and will not have a detrimental impact on the residential amenity of neighbouring properties. The report subsequently notes the comments of the Drainage Planning Division (Municipal Services Department) and recommends a request for further information accordingly.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Transportation Planning: No objection, subject to conditions.

Drainage Planning (Municipal Services Department): An initial report noted that the proposed development site was located in close proximity to a flooding 'hotspot' identified on Flood Map No. 2 of Appendix 13 of the County Development Plan and recommended that the applicant be required to submit a Site Specific Flood Risk Assessment of the proposal.

Follow the receipt of a response to a request for further information, a final report was prepared which stated that there was no objection to the proposed development, subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 2 No. submissions were received from interested parties and the principle grounds of objection / areas of concern contained therein can be summarised as follows:

- The construction works, with particular reference to the excavations required for the basement level, will have a detrimental impact on the residential amenity of neighbouring housing by reason of the noise, dust and vibration.
- There are concerns with regard to the composition of the underlying ground conditions on site given that the construction of similar development in the surrounding area encountered rock / granite.
- The description of the proposed development as a two-bedroom, single-storey over basement, dwelling house is misleading in that the submitted plans provide for a three-bedroom, two-storey over basement, construction.
- Inadequate private open space, car parking, and separation distance from neighbouring properties.
- Inaccuracies / discrepancies in the submitted plans and particulars.
- A lack of clarity as regards the nature / usage of the proposed office area.
- Detrimental impact on residential amenity by reason of overlooking, loss of privacy, overshadowing, and overbearing appearance.
- Concerns as regards the potential for subsidence / damage to property attributable to the proposed basement excavations.
- Inadequate consideration of groundwater movement and potential flooding implications.
- Increased traffic congestion / the creation of a traffic hazard.
- The proposal is out of character with the surrounding pattern of development.
- Devaluation of property attributable to a loss of amenity.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. D03A/1019. Was granted on 12th December, 2003 permitting Eucemia O'Leary permission for a 2-storey dwelling house and associated site works at No. 168 Lower Kilmacud Road, Dublin 14.

PA Ref. No. D14A/0082. Was granted on 11th June, 2014 permitting Eimear Duffy & Marie Callaghan permission for (1) widening of existing vehicular access exiting onto Woodley Park (2) a new porch to front of existing dwelling (3) modifications to existing garage, including new doors to front and a new pitched tiled roof above (4) a new single storey extension to the rear and side of the existing dwelling to consist of a kitchen/lounge area with a pitched tiled roof above, incorporating 5 no. roof windows (5) part remodelling of walls at ground floor to suit new layout, including a new WC below stairs, all drainage, structural and associated site works to be implemented, all at No. 3 Woodley Park, Kilmacud, Dublin 14.

4.3. Other Referenced Files:

PA Ref. No. D10A/0202 / ABP. Ref. No. PL06D.237075. Was refused on appeal on 30th September, 2010 refusing Gerry Salley permission for the erection of a single storey over basement flat roof dwelling with new boundary treatment and rear garden shed with shared vehicular and pedestrian access off Shanganagh Vale on subdivided site, relocation of existing vehicular access gate and screen wall and demolition and re-location of existing garden boundary wall at number 16 Shanganagh Vale, Cabinteely, Co. Dublin, for the following reason:

- The proposed development would be out of character with the established pattern and layout of development and the area having regard to the proximity of the proposed house to the public road and the cramped arrangement of the development site. The proposed development would seriously injure the residential and visual amenities of the area, would depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D12A/0380 / ABP. Ref. No. PL06D.241407. Was refused on appeal on 29th April, 2013 refusing Gerry Salley permission for the construction of a new single storey over basement flat roof dwelling with new boundary treatment and garden area with shared vehicular and pedestrian access off Shanganagh Vale on subdivided site including widening of existing vehicular access gate and partial demolition of existing garden wall at 16 Shanganagh Vale, Cabinteely, Co. Dublin, for the following reason:

- The housing development of which the subject site forms part is characterised by a low intensity of development of detached single-storey houses, well screened by mature planting and set behind garden walls. Having regard to its scale, form, proximity to the existing house on site, and proposals for the removal of mature planting and garden walls, it is considered that the proposed development would be out of character with the established pattern and layout of development in the vicinity, would give rise to a cramped form of development, would result in a lack of adequate private rear open space for both the proposed and existing houses, would result in the overdevelopment of a site having a restricted layout, and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D15A/0028 / ABP. Ref. No. PL06D.244728. Was granted on appeal on 11th August, 2015 permitting Gerry Salley permission for the erection of a new single-storey over basement dwelling with new boundary treatment and garden areas to front and rear with new vehicular and pedestrian access off Shanganagh Vale on subdivided site including partial demolition of existing garden wall and installation of a new rainwater harvesting tank at number 16 Shanganagh Vale, Cabinteely, Co. Dublin.

PA Ref. No. D15A/0597. Was granted on 12th November, 2015 permitting David Fitzpatrick permission for 2 no. two storey semi-detached dwellings at 2 South Avenue, Mount Merrion, Co. Dublin.

PA Ref. No. D16A/0781 / ABP Ref. No. PL06D.247863. Was granted on appeal on 21st April, 2017 permitting Max Ammann permission for the construction of a new

single storey detached two bedroom dwelling with velux rooflights and attic storage space, all to the rear of the existing dwelling, new vehicular entrance 3.5 metres wide to Cedarmount Road, new boundary wall and all associated site, services and landscaping works, at 1 Cedarmount Road, Mount Merrion, Co. Dublin.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

5.2. Development Plan

- 5.2.1. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

Land Use Zoning:

The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘*To protect and-or improve residential amenity*’.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve the 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.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:

(v) Corner/Side Garden Sites:

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.

- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

(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.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: Residential Development – General Requirements

5.3. Natural Heritage Designations

- 5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.9km northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.0km northeast of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- The description of the proposed development as a two-bedroom, single-storey over basement, dwelling house is misleading given the following:
 - The ridge height of the proposed development (over ground level) is comparable to that of surrounding two-storey properties i.e. the proposed height is excessive for a single-storey over basement construction and should be reconsidered.
 - The total floor area of the proposed development at 155.5m² (excluding the additional attic space served by a window) is considerable given its intended use as a two-bedroom property. In this regard it is submitted that the applicant is seeking to maximise the development proposed on site to the detriment of the local environment and the amenity of the appellants' dwelling house.
 - The attic space has the potential to be converted into additional habitable accommodation thereby creating a two-storey over basement construction. Credence to these concerns is lent by the floor-to-ceiling heights and the inclusion of fenestration to serve the attic level.
 - The inclusion of 4 No. W.C.s is excessive for a two-bedroom dwelling house. Moreover, the proposed office area would appear to have been designed for use as a third bedroom.

- It is unclear if the basement office is for home or commercial use. If this is intended for commercial use, no provision has been made for any client / visitor parking.
- Given the potential for the proposal to comprise a three-bedroom dwelling house, inadequate provision has been made for open space, car parking, and suitable separation from neighbouring properties.
- The proposed development will have a detrimental impact on the residential amenity of the appellants' dwelling house (with an associated devaluation of property) due to the following:
 - Overlooking of the appellants' dwelling house and rear garden area with an associated loss of privacy due to the proposed inclusion of first floor windows and the inadequate separation distance between the rear elevation of the new dwelling and the boundary wall shared with the appellants' property. Furthermore, the orientation of the proposed windows and door openings will also give rise to overlooking and a loss of amenity. In this regard it should be noted that the rear of the appellants' dwelling house includes an open plan extension with a large sliding door and thus the windows and doorways within the southern and western elevations of the proposed dwelling house will have views directly into the appellants' home and garden. In addition, no boundary treatments have been provided in order to reduce the potential for overlooking.
 - Given the close proximity and height of the proposed development, it will overshadow and dominate the appellants' property.
 - No shadow analysis has been provided to detail the impact of the proposal on the appellant's dwelling house and garden area.
 - Due to the proximity of the proposed development to the shared site boundary, it will have an overbearing impact on the appellants' property and will be visually obtrusive when viewed from same.
 - Inadequate useable private open space has been provided and thus the proposal fails to comply with the requirements of Section 8.2.8.4(i)

of the County Development Plan. It is submitted that both the courtyard area and the terrace do not constitute useable good quality space and thus should not qualify for consideration in the calculation of the total private open space provision.

- The overall design of the proposed dwelling house is visually obtrusive and out of character with the surrounding pattern of development. It would result in the over-densification of the area and would set an undesirable precedent.
- The proposal constitutes the overdevelopment of a confined site. The site is also too small to accommodate the scale of excavations proposed for the following reasons:
 - The depth and extent of the excavations have the potential to result in the subsidence and structural damage of the appellants' property as well as the public road.
 - The proposed excavations could undermine the root system and stability of a mature tree alongside the appellants' property.
 - The proposal could undermine the integrity of the appellants' boundary wall.
 - Having regard to the local experience of other development in the area with underlying rock / granite ground conditions, it is notable that no limitation has been imposed on construction hours. The Health & Safety Authority considers noise from rock breakers to be a serious threat to people's hearing.
- The proposed entrance will result in a traffic hazard which will exacerbate traffic congestion along Sweetbriar Lane.
- Only one car parking space has been provided on site, however, the instances of multiple cars parking along both Woodley Park and Sweetbriar Lane due to the proximity of the Luas and local schools etc. has given rise to parking and public safety concerns for local residents.
- In reference to the '*Site Specific Flood Risk Assessment*':

- Given the potential risk of flooding to neighbouring properties and the public road, *'an indication of how surface water generated by the house will be disposed of'* is not considered sufficient to assess (or to mitigate) the potential flood risk to the appellant's dwelling house.
- The report details major alterations to the on-site drainage arrangements (i.e. 2 No. soakaway trenches in the front garden of No. 1 Woodley Park) which were not included in the original submission. These changes are considered to be 'significant' and thus the Planning Authority should have informed the appellants accordingly in order to allow them to submit further observations within the required timeframe.
- The aforementioned drainage proposals could result in the soakaways overflowing onto the adjacent roadway / footpath thereby posing a risk to public safety. Any such overflows would also pose a flood risk to the appellants' property.
- It is unclear how the stormwater system for the existing house is to be disconnected from the drainage system and linked to the proposed soakaways.
- The analysis of Dr. E. Bolton of Trinity Green concludes that the stormwater ground soakage is *'slow but may be sufficient to allow infiltration of the stormwater if the soakaway can be of sufficient size'*. In this respect it is submitted that given the slow permeability of the soil, there is a clear risk of flooding which has not been adequately addressed. Furthermore, it is noted that the design of the proposed soakaway trench refers to an analysis for a property in Sutton, Co. Dublin, and thus it is unclear if this is relevant to the subject application.
- Section 6.2 of the Flood Risk Assessment does not address the potential for flooding of the appellants' property due to interference with groundwater percolation. The proposal will impact on groundwater levels thereby posing a serious risk of flooding of neighbouring dwellings and gardens.

- No calculations have been provided to support the assertion that there will be no increase in surface water runoff from the site.
- There are concerns as regards the capacity of the existing public sewerage system to accommodate the increased loadings consequent on the proposed development given previous incidences of blockages / overloading at No. 1 Woodley Park which have resulted in the backing-up / overflow of foul effluent into the appellants' property.
- The soakaways proposed in the front garden of No. 1 Woodley Park could, if flooded, undermine the stability of the public sewer.

6.2. Applicant's Response

- With regard to the overall height of the proposed development, the appellant's reference to surrounding properties is selective and not a comparison of 'like for like'. The infill scheme at No. 168A Lower Kilmacud Road has a very shallow, mono-pitched roof and it is not surprising that the highest points of the houses are comparable. In contrast, the ridge of the proposed dwelling is significantly lower than that of Nos. 1 & 3 Woodley Park and No. 168 Lower Kilmacud Road.
- The impact of the subject proposal on the appellants' property will be significantly less than any two-storey construction. The proposed house has been designed as a single-storey over basement with a pitched roof in order to minimise the impact on adjoining properties.
- The western elevation of the ground floor of the proposed dwelling is located 4.4m from the site boundary shared with No. 3 Woodley Park and the pitched roof slopes away from that property. A two-storey facade facing towards the appellants' property would have a significantly greater impact.
- The description of the proposed development is considered to be accurate.
- The proposed dwelling is two-bedroomed with the greater part of the floorspace located at basement level whilst the submitted design provides for little opportunity to increase the bedroom space.

- The basement office area is for the private use of the applicants only who are both self-employed and occasionally work from home. It will also be used for purposes incidental to the enjoyment of the dwelling house. It will not be used as a commercial office.
- The attic level is confined to the front wing of the house, forward of the stairwell. It will not be served by the stairwell and will be used for storage purposes. The window and rooflight are intended for the lighting of this area.
- In reference to the suggestion that the drawings show '*similar floor to ceiling heights across all three floor levels*', it is submitted that the appellants have misinterpreted Section A-A which shows an east to west section along the ridge and thus does not take account of the attic roof slope.
- The proposed development provides for 2 No. ensuite bedrooms and a separate toilet / wash-basin area for use by visitors at basement level. A further small toilet and wash-basin room is located at ground level (which is a necessity). Any suggestion that there is an excess of W.C.s is rejected.
- The proposal is for a two-bedroom dwelling house and does not warrant assessment as a three-bedroom unit. There is no shortage in the provision of open space, car parking, or otherwise by virtue of any underestimate of the bedrooms proposed.
- The submitted design ensures that there is no material overlooking of neighbouring property:
 - There is no potential for overlooking from basement level.
 - A 2m high boundary wall will provide for adequate screening between the ground floor windows on the western elevation of the proposed dwelling and No. 3 Woodley Park.
 - There is no accommodation at first floor level above the proposed kitchen / dining room i.e. there is only a void to roof level which is served by the round-shaped window and a rooflight.
 - A 1.6m high wall presently defines the boundary between the subject site and the appellants' property. At its southern end, an extension to the rear of No. 3 Woodley Park projects for a distance of c. 4m

northwards alongside the wall. At its northern end, a garden shed has been constructed within the subject site adjacent to the shared boundary. The proposed basement level will be 4.4m from the shared boundary. It is proposed to retain the existing wall and to erect a lightweight fence (rising to 2m in height) within the application site in order to ensure the privacy of both properties.

- The proposed rooflights only provide lighting to the attic storage space, the stairwell, and the ground level kitchen / dining area.
- The accompanying '*Daylight and Sunlight Analysis*' demonstrates that the proposed development will not impact on the light available to the appellants' dwelling house. Whilst it is accepted that there will be a shadow cast over a small portion of their rear garden area at 09:00 hours on the March equinox, this impact will have passed by 10:00 hours. Therefore, the proposal will have no material impact on sunlight or daylight available to No. 3 Woodley Park.
- The submitted '*Daylight and Sunlight Analysis*' further establishes that the proposed development will not have an adverse impact on any adjacent properties and that No. 1 Woodley Park will continue to receive the recommended levels of sunlight and daylight.
- The subject site occupies a 'double' / corner plot which has allowed the proposed dwelling to be located at a remove from the boundary shared with No. 3 Woodley Park. In addition, the proposed dwelling has been positioned as far north as possible away from the appellant's residence whilst its western elevation (which will face towards No. 3 Woodley Park) will incorporate a pitched roof at its southern end thereby minimising its bulk when viewed from the appellants' property. Accordingly, due to a combination of location and design factors, it is submitted that the proposed dwelling will not be unduly overbearing when viewed from within No. 3 Woodley Park.
- The overall design of the proposed dwelling house, when taken in conjunction with the separation distance from No. 168A Lower Kilmacud Road, will ensure that the development will not have an overly dominant impact on that property.

- The design and positioning of the proposed development relative to the existing dwelling house at No. 1 Woodley Park will ensure it will not have an unduly overbearing impact on that property.
- The design accords with the character of the area and in this regard the Board is referred to the supporting documentation supplied with the planning application which stated the following:

'The architectural style of the house is designed to fit with houses of Kilmacud (early to mid-20th Century suburban style), with a nod to the older estate cottage architecture that appears in some extant historic buildings that are found in the area'.

- Given the size and corner nature of the site, it provides an opportunity to develop an additional dwelling which will enliven Sweetbriar Lane without imposing on the existing uniformity in the wider area. The proposal will also help in screening views of the rear elevations of properties that back onto each other.
- The densification of the surrounding area is promoted by applicable planning policy.
- The proposed development is desirable in principle, is of an appropriate architectural design by reference to the character of the area, and will enliven to the visual environment.
- Given the separation of the proposed basement structure from No. 3 Woodley Park, the potential for damage to that property is remote.
- The trees in the garden of No. 1 Woodley Park are of a decorative nature and are not of a high arboricultural quality. The removal of the tree closest to the appellants' property will ensure that it does not damage same.
- The accompanying engineering report demonstrates that the basement will be constructed in such a manner as not to impact on the structural stability of adjoining property or to give rise to undue noise levels.
- A condition can be imposed in any grant of permission with regard to the control of construction hours.

- The attached engineering report responds to the appellants' concerns as regards the drainage proposals contained in the response to the request for further information.
- The proposal to drain surface water runoff from within No. 1 Woodley Park to on-site soakaways is not considered to be a '*significant alteration*' and is minor in the context of the overall development.
- Section 34(4)(a) of the Planning and Development Act, 2000, as amended, allows a Planning Authority to impose conditions '*. . . regulating the development or use of any land which adjoins, abuts or is adjacent to the lands to be developed and which are under the control of the applicant, if the imposition of such condition appears to the planning authority to be (i) expedient for the purposes or in connection with the development authorised by the permission . . .*'

The revised arrangements for the disposal of surface water runoff from No. 1 Woodley Park will ensure that the proposed additional dwelling will not increase the loading on the public system due to the (unsubstantiated) possibility that the area may be at risk of flooding. The actual works are minor, will not be visible when completed, and have the consent of the relevant landowners.

- It is submitted that there was no onus on the Local Authority to seek additional commentary on the further information by way of statutory notice pursuant to Article 35 of the Planning and Development Regulations, 2001, as amended, or otherwise.
- The grounds of appeal demonstrate that the appellants' submission as regards the further information were received outside of the appropriate timeframe.
- The proposed development will not give rise to a traffic hazard (as outlined in the documentation supplied with the initial application) and the Transportation Department of the Local Authority has also expressed its satisfaction with the proposal.

- Adequate parking has been provided on site to serve the proposed development and, therefore, it will not contribute to traffic congestion in the area.

6.3. Planning Authority's Response

- States 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.

6.4. Observations

None.

6.5. Further Responses

6.5.1. Response of the Appellant to the Circulation of the Applicants' Submission:

- With regard to the proposed basement construction, it is considered that the engineering report submitted by the applicants (which does not include a detailed design of the structure) does not alleviate the appellants' concerns.
- The removal of the large tree alongside the appellants' boundary wall is welcomed.
- The junction of Woodley Park / Sweetbriar Lane is identified as a 'hotspot' in the Strategic Flood Risk Assessment appended to the County Development Plan and in this regard Section 4.4 of same states the following:

'The surface water flood locations are indicated as both historical and predicted 'surface water hotspots' on the Flood Zone Map. A more rigorous design approach will be required in locations indicated to be at, or near (approximately 50m radius) these locations'.

It should also be noted that the 'Preliminary Flood Risk Assessment' mapping prepared by the Office of Public Works highlights the potential risk of pluvial flooding at Sweetbriar Lane.

- Previous reports on flooding prepared by the Local Authority have referred to the site location as being situated *'in a hollow and that no straightforward solution is evident'*.
- With regard to the 'Site Specific Flood Risk Assessment' and the applicants' response to the grounds of appeal:
 - No subsoil investigations would appear to have been carried out at the site location in support of the submitted analysis.
 - No detailed design of the proposed basement has been submitted and thus the technical assessment is of a speculative nature.
 - It is unclear how close the proposed soakaway trenches will be to the appellants' dwelling house.
 - The response has not addressed the concerns raised in the grounds of appeal or the errors highlighted in the analysis of Dr. Bolton.
 - Consideration should be given to the provisions of *'The Planning System and Flood Risk Management - Guidelines for Planning Authorities'*, with particular reference to pluvial flooding.
 - The OPW's *'Climate Change Sectoral Adaption Plan Flood Risk Management, 2015-2019'* states the following:

'It is projected that the number of heavy rainfall days per year may increase, which could lead to an increase in both fluvial and pluvial (urban storm water) flood risk'.
 - There has been an increase in average annual rainfall in Ireland of approximately 60mm (or 5%) in the period between 1981 and 2010 when compared to the 30-year period of 1961-1990.
 - Met Eireann has predicted that winters may become wetter with a possible increase in precipitation of 10-15%.
 - The OPW's 'Mid-Range Future Scenario' and 'High-End Future Scenario' predict a 20% and 30% increase in rainfall depth respectively.

- The proposed development should be assessed as a potential three-bedroom dwelling house in view of the following:
 - The floor area of the proposed office is sufficient for a bedroom.
 - The basement level includes 2 No. ensuite bedrooms and a third W.C. which could potentially serve any conversion of the office area to a bedroom.
 - The property could be sold as a three-bedroom house.
 - The basement level W.C. could facilitate the commercial use of the proposed office.
 - On the basis that the proposed office area could be used for commercial purposes or converted into a bedroom, inadequate provision has been made for open space, car parking and suitable separation distances.
- The height of the proposed development is excessive and could be reduced if the attic space is to be used solely for storage purposes. In this regard it is noted that the grant of permission issued by the Planning Authority has not precluded the future adaptation of the attic area to use as habitable space
- It is reiterated that the proposed development will have a detrimental impact on the residential amenity of the appellants' property by reason of overlooking with an associated loss of privacy.
- It is acknowledged that corner plots in the wider area have been used for the development of additional detached housing, however, these have maintained the building line by locating to the side of the existing dwelling as opposed to within the rear garden area. The construction of a large extension to the side of No. 1 Woodley Park has reduced the capacity of the site to accommodate a new dwelling house without resulting in overdevelopment with an undesirable precedent.

6.5.2. Response of the Planning Authority to the Circulation of the Applicants' Submission:

- Reiterates 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.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Flooding / drainage considerations
- Appropriate assessment
- Environmental impact assessment (screening)
- Other issues

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective *'To protect and-or improve residential amenity'*. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is dominated by conventional housing construction. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where local services / amenities (e.g. schools, shopping, the Luas, and a *'Proposed Quality Bus Priority Route'*) are available and that the development of appropriately

designed infill housing would typically be encouraged in such locations provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

7.2.2. Further support is lent to the proposal by reference to Policy RES4: '*Existing Housing Stock and Densification*' of the Development Plan which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities. These policy provisions are subsequently supplemented by the guidance set out in Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas*' of the Plan which details the criteria to be used in the assessment of proposals which may involve the subdivision of an existing house curtilage (i.e. Corner/Side Garden Sites) and / or an appropriately zoned brownfield site to provide an additional dwelling, infill development, or a mews lane development.

7.2.3. Therefore, having considered the available information, including the site context and land use zoning, the infill nature of the site itself, and noting that permission has previously been granted for plot subdivision / infill development in the surrounding area (with particular reference to PA Ref. No. D03A/1019 on the adjacent lands to the immediate north at No. 168A Lower Kilmacud Road), I am satisfied that the wider principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Overall Design and Layout:**

7.3.1. In terms of the overall design and layout of the proposed development, in my opinion, the outward appearance of the subject proposal, which has sought to evoke the traditional 'cottage-style' vernacular, whilst differing from the prevailing pattern of development which is generally characterised by conventional suburban housing typified by two-storey, semi-detached dwellings, is acceptable and does not unduly

detract from the wider streetscape, particularly when compared to the more contemporary design of the infill scheme on the adjacent lands to the immediate north.

7.3.2. However, I would have serious reservations as regards the overall appropriateness of the subject proposal and the actual suitability of the application site to accommodate the level of development proposed. In this respect I would advise the Board that the existing dwelling house at No. 1 Woodley Park would appear to have originally comprised a two-storey, two-bay, semi-detached property, although this was subsequently extended at a later date to provide for a three-bay, two-storey dwelling whilst a further single storey annex was constructed to the side of same. It is as a direct result of the manner in which the existing dwelling house has been extended that it is no longer feasible to subdivide the site in a format similar to that adopted (and approved) on the adjacent property to the north at No. 168A Lower Kilmacud Road i.e. by providing a new infill dwelling between the gable end of the existing house and Sweetbriar Lane. Accordingly, the subject proposal has sought to develop an additional dwelling within the wider site curtilage by utilising a 'single-storey-over-basement' construction in order to maximise the amount of floor area within a limited site area whilst providing sufficient private open space (to serve a two-bedroom residence). In my opinion, the adoption of such a design approach serves to highlight the constraints posed by the application site and is an indication that the proposal could be construed as amounting to an overdevelopment of the site, particularly as the introduction of such a building type would not accord with the built form / character of the wider area.

7.3.3. With regard to the specific design of the proposed development, concerns have been raised in the grounds of appeal that although the proposal is shown as comprising a two-bedroom dwelling house, there is the potential for additional bedroom accommodation to be provided within the building fabric through the conversion of either the attic space or the basement level office. Whilst the applicant has sought to emphasise that the proposal is for a two-bedroom property, I would concur with the appellants that the basement level office would appear to be of a sufficient size to potentially allow for its conversion to a bedroom (having regard to the '*Quality Housing for Sustainable Communities – Guidelines for Planning Authorities, 2007*' and the minimum floor areas set out in the '*Sustainable Urban Housing: Design*

Standards for New Apartments Guidelines for Planning Authorities, 2018, notwithstanding that the latter document is specific to apartment development). Similarly, although it is proposed to provide a vaulted / double height ceiling over the ground floor kitchen / dining area, it may be feasible to convert the attic space over the living room to habitable accommodation provided the required floor-to-ceiling height and access arrangements can be achieved within the proposed construction. However, whilst I would acknowledge the appellants' concerns with regard to the foregoing, I do not propose to engage in undue speculation as regards the applicants' future intentions and thus I intend to assess the proposal on the basis of the submitted plans and particulars i.e. as a two-bedroom dwelling house, although the Board may wish to give further consideration to these issues given the likely deficiencies in open space and car parking provision should any such conversion works be undertaken (*N.B.* Whilst it would be possible to limit the amount of bedroom space within the proposed dwelling house by way of condition, I would have reservations as regards the practicality and enforceability of any such measure).

- 7.3.4. In further support of the assertion that the proposed development potentially comprises a three-bedroom dwelling house, the appellants have referenced the overall height and floor area of the new construction, as well as the number of W.C. facilities to be provided within same, with a view to suggesting that the overall design and scale of the proposal is excessive for a two-bedroom property. In this regard, I would suggest that there is no 'maximum' standard as to what could be construed as comprising a two-bedroom property in terms of height or floor area etc. Accordingly, I would reiterate that I do not propose to engage in speculation as regards the precise nature of any future domestic usage of the property and thus the proposal has been assessed on the basis of the submitted particulars.
- 7.3.5. In relation to the standard of accommodation proposed, I would have reservations as regards the level of amenity likely to be afforded to those occupants of the basement level bedrooms. In this respect whilst I would acknowledge that the submitted design includes for an external access to a basement level courtyard area which will also function as a lightwell serving the master bedroom (Bedroom No. 1), given the depth of the excavation required and the proximity of the rising walls, I would have concerns that the master bedroom will only receive limited levels of sunlight /

daylight, notwithstanding the south / southeast orientation of the fenestration serving that room. Furthermore, the narrow dimension of the terrace / lightwell serving Bedroom No. 2, when taken in combination with the depth of the basement level and the proximity of the rising walls, would likely compound similar difficulties in respect of that space.

- 7.3.6. In terms of open space provision, the proposed rear garden area (at ground level) equates to c. 50m² (excluding the basement level courtyard and terrace areas) and, in my opinion, satisfactorily accords with the qualitative and quantitative requirements of Section 8.2.8.4: '*Private Open Space – Quantity*' of the Development Plan as regards a two-bedroom dwelling. I would also accept that the existing residence at No. 1 Woodley Park will continue to retain a satisfactory amount of open space / rear garden area.
- 7.3.7. On balance, it is my opinion that although the applicants have sought to provide a reasonable level of accommodation on site by utilising a single storey over basement design in order to address potential deficiencies arising from the restricted nature of the site and the need to preserve the amenities of surrounding properties, I am inclined to suggest that the proposal itself amounts to an overdevelopment of this constrained site by reference to the limitations arising from the manner in which the existing residence at No. 1 Woodley Park has been extended and the need to introduce a building type would not accord with the built form / character of the wider area that would, in turn, provide for a limited level of amenity for the future occupants of same.

7.4. **Impact on Residential Amenity:**

- 7.4.1. Concerns have been raised in the grounds of appeal that the proposed development will have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking with an associated loss of privacy. In this respect, whilst I would acknowledge that the infill nature of the proposed development has the potential to give rise to overlooking with a consequential loss of residential amenity, having regard to the site context within a built-up urban area and the surrounding pattern of development, I am inclined to suggest that the overall scale, design, positioning and orientation of the proposed dwelling houses has taken sufficient cognisance of the need to preserve the residential amenity of neighbouring housing

and will not give rise to any significant detrimental impact on same by reason of overlooking. In support of the foregoing, I would draw the Board's attention in the first instance to the fact that no overlooking will arise from the basement level accommodation. Furthermore, I am satisfied that there is sufficient separation distance between the ground floor windows (and doorways) of the proposed dwelling house and neighbouring properties so as to avoid any undue overlooking or loss of privacy and that any such concerns can be further mitigated by way of the erection of suitable boundary treatment. Finally, the absence of any habitable accommodation at 'first floor level' obviates any potential overlooking from same (*N.B.* The higher level gable end windows and the proposed rooflights will either serve a non-habitable attic storage area located to the front of the property or provide additional lighting of the ground floor accommodation).

7.4.2. With regard to the potential for the overshadowing of adjacent property, I would refer the Board to the '*Daylight and Sunlight Analysis*' provided with the applicants' response to the grounds of appeal which has concluded that the proposed development accords with the applicable guidance on the basis that it will not give rise to any noticeable loss of available daylight to neighbouring dwelling houses, including the appellants' residence. In relation to the potential loss of sunlight within the garden areas of surrounding properties, Section 4 of the analysis details that although the proposed development will result in some additional shading of neighbouring gardens to the north of the site (i.e. Nos. 168, 168A & 170 Lower Kilmacud Road), this impact will be minor with the sunlight received by each of the affected properties not falling below the recommended standard. It has also been determined that any overshadowing impact on the appellants' rear garden area will be negligible.

7.4.3. However, from a review of the submitted information, it is apparent that the proposed development will be located within that part of the rear garden area of No. 1 Woodley Park which presently receives the most direct sunlight throughout the year. Accordingly, the construction of the proposed dwelling house will result in a notable diminution in the amenity of that property on the basis that the remainder of the rear garden area serving said residence will not benefit from the same proportionate level of direct sunlight (although it has been suggested that this area will continue to satisfy the recommendations of the applicable guidance) (*N.B.* I would advise the

Board that the affected property is within the ownership of the parents of one of the applicants i.e. Ms. Irene O'Brien, and thus it is perhaps reasonable to surmise that they are aware of the implications of the proposed development for their property).

- 7.4.4. In respect of the concerns raised in the grounds of appeal that the proposed development will have a visually overbearing influence / impact on the appellant's property, having regard to the site location in a built-up area, the surrounding pattern of development, the size and scale of the subject proposal, and the positioning of the proposed construction relative to the appellant's dwelling house, I am inclined to conclude that the subject proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by the occupants of the appellant's property.
- 7.4.5. In relation to the assertion that the proposed construction works could result in damage to the appellants' property, it is my opinion that any damage to third party property attributable to the proposed development would amount to a civil matter for resolution between the parties concerned.
- 7.4.6. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site is within an established residential area and that construction works could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5. **Traffic Implications:**

- 7.5.1. The proposed development includes for the opening of a new entrance onto Sweetbriar Lane to the immediate east and whilst I would acknowledge that concerns may arise as regards the adequacy of the sightlines available from such an arrangement, with particular reference to vehicles reversing from same onto the public roadway, and the ease of manoeuvrability to / from same, it should be noted that the proposed access is generally comparable to those serving existing housing in the immediate site surrounds, including the adjacent residence to the north at No. 168A Lower Kilmacud Road. Furthermore, I am inclined to suggest that the sightlines available from the proposed access are within acceptable limits, particularly in light

of the proposal to lower the roadside boundary wall to a height of 1.1m, the depth of the public footpath and grass margin between the actual site entrance and the main carriageway / roadway, and the lower estate traffic speeds expected to be experienced along Sweetbriar Road.

- 7.5.2. With regard to the adequacy of the on-site parking arrangements, I would refer the Board to the requirements set out in Table 8.2.3: *'Residential Land Use - Car Parking Standards'* of the Development Plan wherein it is stated that parking should be provided at a rate of 1 No. space per 2-bed unit (and 2 No. spaces per 3-bed unit+). On the basis that the proposed development comprises a two-bedroom dwelling house, the provision of 1 No. on-site car parking space (as is shown on the submitted drawings) thereby accords with the requirements of the Development Plan.
- 7.5.3. In relation to the wider traffic impact of the proposed development, whilst I would acknowledge that incidences of on-street parking alongside Sweetbriar Lane may serve to disrupt or interfere with the movement / free-flow of traffic along same, having regard to the limited scale of the development proposed, the adequacy of the proposed off-street parking arrangements, and the likely traffic volumes and speeds along this section of roadway, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic consequent on the proposed development and that the subject proposal will not pose a risk to traffic / public safety.
- 7.5.4. Therefore, on balance, I am satisfied that the proposed car parking and associated access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.6. **Flooding / Drainage Considerations:**

- 7.6.1. Concerns have been raised in the grounds of appeal that the proposed development could serve to exacerbate flood events in the vicinity of the application site by reference to the presence of a nearby flooding 'hotspot' as identified in the Strategic Flood Risk Assessment (Flood Zone Map No. 2) appended to the County Development Plan.
- 7.6.2. In this regard I would refer the Board in the first instance to the National Flood Hazard Mapping available from the Office of Public Works which does not record any

flood events in the immediate surrounds of the subject site, although it does reference previous flood events at a location further east (c. 500m away) in the Dale Road / Dale Drive area which were seemingly attributable to the capacity of the culverted Kilmacud Stream being exceeded as well as overland flow ponding in a surface depression. However, it must be conceded that whilst this mapping serves as a useful tool in highlighting the potential for flood events in a particular area, it is not definitive.

- 7.6.3. Therefore, it is perhaps of greater relevance to consider the indicative mapping prepared by the Office of Public Works and published in 2011 as part of its Draft Preliminary Flood Risk Assessment which does identify an incidence of pluvial flooding in the vicinity of the application site at Woodley Park / Sweetbriar Lane. However, whilst the PFRA is a further useful resource in the assessment of flood risk, I would draw the Board's attention to the contents of Circular PL2/2014 as issued by the Department of the Environment, Community and Local Government on 13th August, 2014 which states that the Draft Indicative Preliminary Flood Risk Assessment Maps were prepared for the purpose of an initial assessment, at a national level, of areas of potentially significant flood risk and that *'the maps provide only an indication of areas that may be prone to flooding. They are not necessarily locally accurate and should not be used as the sole basis for defining Flood Zones, or for making decisions on planning applications'*. This Circular further recommends that for the purposes of decision-making in respect of planning applications, a Stage II Flood Risk Assessment as set out in *'The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'* should be undertaken where there are proposals for development in areas that may be prone to flooding.
- 7.6.4. Accordingly, I would refer the Board to the most up-to-date flood mapping prepared by the Office of Public Works as part of its CFRAM programme which has recently been made available on www.floodinfo.ie and serves to inform the development of Flood Risk Management Plans for specific areas in addition to the proposed measures to be implemented. Notably, this mapping would seem to corroborate the earlier flood risk hazard mapping in that it makes no reference to any flood events in the immediate surrounds of the application site other than pluvial flooding further east at Dale Road / Dale Drive.

- 7.6.5. At this point I would advise the Board that the applicants have submitted a site specific flood risk assessment in response to a request for further information (thereby supplementing an earlier FRA which accompanied the initial application) and whilst this report references the nearby flooding 'hotspot' identified in the Development Plan, as well as the previous incidences of pluvial flooding located further east, it does not include any significant additional detail as regards any historical flooding in the immediate vicinity of the application site. Indeed, the initial flood risk assessment submitted with the application concluded that the subject site could be categorised as being at a low risk of flooding.
- 7.6.6. Accordingly, the remainder of the '*site-specific flood risk assessment*' has sought to focus on the disposal of surface water runoff from the proposed development in line with the requirements of the Development Plan. In this respect it has been submitted that the proposed surface water drainage arrangement has been designed in accordance with the Greater Dublin Strategic Drainage Study using sustainable urban drainage systems. It is proposed to divert all surface water runoff generated from the new roof area to a rainwater harvesting tank to be located in the rear garden with the overflow from same ultimately connecting to the public surface water sewer along Sweetbriar Lane (*N.B.* Runoff collected at basement level will be pumped to a new manhole on site and onwards to the public sewer thereby bypassing the collection tank). In addition, it is also envisaged that the use of landscaping and permeable paving within the driveway will serve to reduce the overall area feeding the system. This proposal was subsequently elaborated in the response to the request for further information and has sought to compensate for the additional surface water discharge to the public mains system consequent on the proposed development by providing for the disposal of surface water runoff from No. 1 Woodley Park within the curtilage of that property by means of a series of soakaways. Notably, whilst the Local Authority would not appear to have had any objection to the aforementioned drainage proposals, I would have some reservations as regards the ability of the applicants to complete same given that they will involve the carrying out of considerable works on lands outside of the application site, notwithstanding that the lands in question are presently in the same ownership as the subject site (i.e. Ms. O'Brien's parents).

7.6.7. On balance, having reviewed the available information, with particular reference to the site-specific flood risk assessment and the up-to-date flood mapping prepared by the Office of Public Works as part of its CFRAM programme, and in light of the limited scale of the development proposed, in addition to the surface water drainage arrangements, I am generally satisfied that the subject proposal will not give rise to any increased risk of flooding in the immediate site surrounds.

7.7. **Appropriate Assessment:**

7.7.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.8. **Environmental Impact Assessment (Screening):**

7.8.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

7.9. **Other Issues:**

7.9.1. **Procedural Issues:**

With regard to the suggestion that the description of the proposed development as set out in the public notices and the accompanying application documentation is misleading and or / inaccurate on the basis that the property could be potentially be held to comprise a 'two-storey over basement construction' due to its overall size, height, design, and potential for future attic conversion works, having reviewed the submitted plans and particulars (and noting that I do not propose to speculate on the applicants' future intentions), I am satisfied that the description of the subject proposal complies with the requirements of the applicable legislative provisions.

In respect of the assertion that the response to the request for further information should have been deemed to be 'significant' by the Planning Authority and that the appellants should have been expressly afforded the opportunity to make a further submission on same, in my opinion, notwithstanding the decision by the Planning Authority that the further information received was not 'significant' and thus did not require revised public notices, the applicants were not precluded from elaborating on their original submission. In any event, the right of the appellants to appeal the decision of the Planning Authority has not been prejudiced in this instance whilst my assessment of the appeal has been conducted on a *de novo* basis (i.e. from first principles).

7.9.2. The Proposed Office Use:

It has been clarified by the applicants that the proposed office area will be for the sole use of the occupants of the dwelling house and will not be used for any commercial purposes. In the event of a grant of permission, the Board may wish to consider the appropriateness of imposing a condition expressly requiring the proposed office area to be used solely for purposes incidental to the enjoyment of the dwelling house as such.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the restricted nature and location of this site, its relationship with neighbouring properties, and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would give rise to a substandard form of development, would be out of character with the established pattern and layout of development in the vicinity, and would seriously injure the amenities of the area and of property in the vicinity. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

9th January, 2019