



An  
Bord  
Pleanála

## Inspector's Report ABP-302910-18

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<b>Development</b>	Subdivision of existing property to contain two individual dwellings
<b>Location</b>	37 Ardagh Drive, Blackrock, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0784
<b>Applicant(s)</b>	Eamon Meehan and Mary Regan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Rowan and Schevell Kavanagh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> of January 2019
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site with a stated area of 0.587 hectares is located in an existing residential development at Ardagh Drive, Blackrock, Co. Dublin. This is a mature residential area dating to the late 50's / early 60's.
- 1.2. The subject site contains a detached dormer style dwelling. The site is bounded by a detached dwelling at No. 39 and by a semi-detached dwelling at No. 35.

## 2.0 Proposed Development

- 2.1. Permission is sought for the extension and subdivision of an existing dwelling to provide two independent dwellings.
- 2.2. It is proposed to widen the existing vehicular entrance from 3.1 to 4m. The area in front of the house is shaded in yellow and proposed to be used as a shared car parking area for both dwellings.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to conditions. Noteworthy conditions include the following:

- Condition No 2 required the south-east facing first floor en-suite window of dwelling No. 1 to be of manufactured opaque glazing in the interests of residential amenity.
- Condition No. 4 required that each proposed house shall be used as a single dwelling unit and shall not be subdivided.
- Condition 6 required the applicants to submit drawings and details of a written agreement of the proposed 'right of way' within the proposed shared driveway/ parking area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning report included a section entitled 'overcoming the previous refusal reason' and it was considered that the revised proposals adequately addressed this. The planner was satisfied that the proposed works would not seriously injure the residential amenities of properties in the vicinity.

### 3.2.2. Other Technical Reports

Drainage Planning - No objection subject to conditions.

Transportation Planning - No objection subject to conditions.

### 3.3. Prescribed Bodies

No reports.

### 3.4. Third Party Observations

One third party observation was submitted. The grounds raised are similar to those raised in the grounds of appeal.

## 4.0 Planning History

### PA D18A/0196

Permission for subdivision of dwelling on this site refused for one reason relating to scale and design and impact on residential amenities.

## 5.0 Policy Context

### 5.1. Development Plan

Site is zoned as 'A' in the 2016-2022 Dun Laoghaire Rathdown County Development Plan - 'To protect and/or improve residential amenity.'

**Section 8.2.3.4 (ii) Sub-division of Dwellings:** *"The subdivision of existing houses into two or more dwelling units will be encouraged in circumstances where it would*

*contribute to maintaining a viable community in an area, is in a location well served with amenities and where the existing dwelling is of an appropriate size.”*

**Section 2.1.3.4 Existing Housing Stock Densification:** *“Encourage densification of the existing suburbs in order to help retain population levels – by infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

*In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”*

## 5.2. Natural Heritage Designations

None applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The site is not suitable for subdivision as per Development Plan policy.
- Should the Board be minded to grant permission, a condition should be attached requiring both dwellings to be contained within the same ownership and not be sublet.
- The development would set a poor precedent for further intensification of dwellings within the estate.
- Concern regarding impact on residential amenities.
- No construction or management plan submitted.
- A letter is attached to the appeal outlining the family circumstances and needs. The applicants state that the subdivision offers the opportunity to provide a home to a young family at a reasonable cost while also providing a home which meets our current and future needs. ‘We are in our early 60s (60 and 62, at work and active and not yet ready for a granny flat!’

## 6.2. Applicant Response

The response submitted can be summarised as follows:

- It is not considered to be overdevelopment of the site. The application consists of the subdivision of the existing dwelling into two individual serviced dwellings. Currently the applicants Eamon and Mary, their son and family are living in the existing singular dwelling.
- There will not be overlooking or overshadowing of adjoining properties.
- No impact on party wall as an independent support structure was incorporated into the proposal.
- No additional car parking spaces are required for the 2 bedrooled dwellings proposed.
- Drawing submitted to comply with condition 6 of the Planning Authority- 'Swept Path Analysis'.
- Applicants are proposing to use the same bin for both dwellings.

## 6.3. Planning Authority Response

- The Board is referred to the previous planner's report. It is considered 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

A response has been submitted on behalf of the appellant which can be summarised as follows:

- Our key concern remains unchanged, that the practical functionality of each resulting dwelling has not been satisfactorily demonstrated, such that it leads

the appellant to conclude that the proposed subdivision is entirely unsuitable for this site and this dwelling.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issues can be dealt with under the following headings:

- Impact on Residential Amenity
- Other Issues

### 7.2. Impact on Residential Amenity

7.2.1. The main issues raised by the appellant relate to the impact on residential amenity. The concerns raised relate to the suitability of the site for development, overdevelopment of the site, overbearing nature of the proposed development, on street car parking overspill, and inadequate provision for refuse storage.

7.2.2. Section 8.2.3.4 of the Development Plan states that 'sub-division will not usually be a feasible proposition in modern suburban estates of two storey houses, but may be appropriate in larger than average sized dwellings in old houses or larger apartments.' The Ardagh housing estate dates to the late 1950's and early 1960's and is similar to many housing estates of this era. I am satisfied that both the site size and the house size are larger than average more modern houses. The plot size is 0.058ha and the existing house has a stated area of 169m<sup>2</sup>.

7.2.3. Section 8.2.8.4(i) of the Development Plan refers to private open space. The minimum required private open space for dwellings with two bedrooms is 48m<sup>2</sup>. A total of 141.5m<sup>2</sup> is proposed for each dwelling and as such, the Development Plan requirements are comfortably exceeded in this instance.

7.2.4. Section 8.2.3 sets out the requirements for car parking. One space is required for each two bedroom house. This has been provided in a shared area with a right of way shaded in yellow on the drawings submitted to the front of the house. The development was reduced from 3 bedrooms in the previous application to two

bedrooms in the current application. I note that the transport section had requested further information in the previous application in relation to the requirement of 2 spaces per 3 bedroom dwelling. I am satisfied that adequate car parking can be provided within the site in accordance with Development Plan standards.

7.2.5. In terms of the design and impact on residential and visual amenities, I consider that the visual impact to the front will be improved as the design has been carefully considered so that one door is hidden and the extension to the front appears as a large porch area serving one house. A contiguous elevation has been submitted with the planning application which demonstrates that the visual impact from the front would not have a detrimental impact on the visual amenities of the area.

7.2.6. I do not consider that the proposal will have an overbearing impact to the rear as both houses either side already have been extended, with the appellant's dwelling extended on two floors. The height of the extension to the rear is 6.3m and I consider that the scale and design would not detract from the residential amenities of the area.

7.2.7. In terms of refuse provision, I note that both families propose to use the same bins. The appellant considered that this is not acceptable if one of the houses were sold in the future. I accept this point, however, I consider that it could be addressed by the inclusion of a condition requiring the construction of an enclosed refuse area in the shared area to the front of the site.

7.2.8. This area is well served by public transport and amenities and the proposed development meets the requirements set out in the Development Plan. I am satisfied that the overall design of the proposed houses has had adequate regard to the existing pattern of development in the area and the residential amenities of existing dwellings and I do not consider that the proposed development would detract from the residential amenities of nearby properties.

### 7.3. Other Issues

- 7.3.1. I note that the appellants have raised concerns in relation to the absence of a construction management plan and the party wall.
- 7.3.2. The appellants response states that an independent wall structure is proposed to (a) support the new proposed side and rear extensions eliminating the need of support from the party wall (b) ensuring the party wall, boundary fencing and boundary hedgerow/ planting will not be effected and will be protected during and post construction’.
- 7.3.3. I consider that this is acceptable. Furthermore, I consider that it is reasonable to include a condition requiring the provision of a construction management plan.

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

- 7.4.1. Having regard to the nature and scale of the proposed development, the subdivision of an existing house within a serviced area, and having regard to the separation 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 the conservation objectives of any European site.

#### **7.5. Environmental Impact Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, the subdivision of an existing house, and having regard to the separation distance to 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.



## 8.0 Recommendation

It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 to 2022, and to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The shared front area of the site shall provide for an enclosed area which can provide for adequate and appropriate refuse storage facilities for both dwellings together with one car parking space for each dwelling.

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

**Reason:** In the interest of protecting the residential amenity of future occupiers and adjoining dwellings and in the interest of traffic safety.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of orderly development and the visual amenities of the area.

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

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Emer Doyle  
Planning Inspector

11<sup>th</sup> January 2019