



An  
Bord  
Pleanála

## Inspector's Report ABP-302927-18

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<b>Development</b>	Construction of detached house on site to side garden with dormer attic extension to rear.
<b>Location</b>	50 Ralahine, Ballybrack, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0790
<b>Applicant(s)</b>	John King & Jackie Redden.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	As above
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> January 2019
<b>Inspector</b>	Kenneth Moloney

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## 1.0 Site Location and Description

- 1.1. The appeal site is located within an established suburban housing development in Ballybrack, Co. Dublin.
- 1.2. The size of the appeal site is 0.017 ha (0.041 acres) and the shape of the appeal site is irregular.
- 1.3. The established building height locally is two-storeys and the established housing is a mix of both terrace and semi-detached.
- 1.4. The appeal site is currently a side garden to no. 50 Ralahine and also comprises of concrete constructed sheds.
- 1.5. The western boundary of the appeal site adjoins a series of public lanes which provide access locally. There is a public lane situated to the front and side of the appeal site.
- 1.6. There is a large public open space situated to the rear of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises of the construction of a 3-bedroomed 2-storey detached house.
- 2.2. The overall floor area of the proposed house is 121 sq. metres comprising of;
  - Ground floor 45 sq. metres
  - First floor 40 sq. metres
  - Attic level 36 sq. metres
- 2.3. The proposed floor plan comprises of living space at ground floor level, 2 no. bedrooms at first floor level and master bedroom at attic level.
- 2.4. The proposed development includes a dormer roof window to the rear elevation to serve the master bedroom.
- 2.5. The maximum ridge height of the proposed development is 9.3 metres above ground level.
- 2.6. The proposed design is contemporary in character.

2.7. The proposal provides of 1 no. off-street car parking space.

### 3.0 Planning Authority Decision

3.1. Dun Laoghaire-Rathdown County Council decided to **refuse** planning permission for the following reason;

The proposed development would result in no off-street car parking being provided to serve the existing dwelling at no. 50 Ralahine and insufficient car parking being provided to serve the proposed dwelling and as such would be contrary to Sections 8.2.3.4(v) and 8.2.4.5 of the Dun Laoghaire-Rathdown County Development Plan., 2016 – 2022 with respect to development of corner / side gardens and car parking standards. The proposed development would, therefore, in itself and by the precedent which a grant of permission would set for similar development in the area, create potential for inappropriate car parking in the area, thereby endangering public safety by reason of traffic hazard or obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

- Proposal acceptable in principle.
- The proposal shall be assessed having regard to Section 8.2.3.4(v) of the County Development Plan.
- Design acceptable.
- Appropriately set back from public sewers.
- Site location map does not correlate with the site layout map.
- Private open space provision and length of rear garden acceptable.
- Two car parking spaces required. Only one space proposed and also loss of off-street car parking space for existing house.

- Proposed finishes considered acceptable.
- Concerns in relation to visual impact of the proposed house relative to no. 74 Pinewood.
- There are overlooking concerns from bedroom no. 3 towards no. 74 Pinewood and bedroom no. 2 towards no. 14 Ralahine / Oakton.
- Proposal would not significantly impact on a Natura 2000 site.

3.2.2. Drainage Division; - No objections subject to conditions.

3.2.3. Transportation Planning; - Refusal recommended due to (a) inadequate car parking provision and the potential for illegal / inappropriate car parking as such the proposal would endanger public safety, (b) undesirable precedent.

### 3.3. **Third Party Observations**

There is one third party submission from the residents of no. 74 Pinewood and the issues raised have been noted and considered.

### 3.4. **Submission**

There is a submission from Irish Water who have no objections to the proposed development.

## 4.0 **Planning History**

- L.A. Ref. D08A/1262 – Permission **refused** for a two-storey detached house. The reasons for refusal related to (a) inadequate separation distance from public foul sewer, (b) inadequate separation distance from public surface water sewer.
- L.A. Ref. D03B/0687 – Permission **granted**, subject to conditions, for the construction of a two-storey extension to the side of the existing house.

## 5.0 Policy Context

### 5.1. Development Plan

The operational Development Plan is the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022.

The appeal site is zoned Objective A ‘to protect and-or improve residential amenity’.

Section 8.2.3.4 of the County Development Plan sets out guidance in relation to

- Corner / side garden sites
- Infill

Table 8.2.3 sets out standards in relation to car parking provision.

## 6.0 The Appeal

6.1. The following is the summary of a first party appeal.

- It is contended that the application site is unusual and the site faces onto a service lane and as such a more open approach should be considered having regard to the overall aims of the County Development Plan.
- It is contended that a grant of permission for the proposed development would not create an undesirable precedent as the unusual setting of the site is not replicated anywhere locally.
- Currently the extent of on-street car parking is limited as can be seen by attached photographs. There is also significant availability of car parking provision on-street.
- The proposal provides for 1 no. off-street car parking space and 1 no. shared on-street car parking space. This shared on-street car parking space will be managed with no. 50 Ralahine. It is submitted that this proposition can be

conditioned to a grant of planning permission given the unusual site arrangement.

- The overall proposal is considered acceptable by the Local Authority save the car parking concerns.
- The site context prohibits off-street car parking provision and as such adhering to development plan standards negates the development of the subject site for the provision of housing stock.

## 6.2. **Planning Authority Response**

No further comments

## 7.0 **Assessment**

The principle issues to be considered in this case include;

- Principle of Development
- Residential Amenity
- Impact on Established Residential Amenities
- Car Parking Provision
- EIA Screening
- AA Screening

### 7.1. **Principle of Development**

- 7.1.1. The appeal site is zoned Objective A 'to protect and-or improve residential amenity'. The established use on the adjoining site and the immediate area is residential, therefore residential would be acceptable in principle on the appeal site.
- 7.1.2. It is also worth considering national planning policy, including the National Planning Framework, 2018, and Sustainable Residential Developments in Urban Areas, 2009, as these policy documents promote and encourage higher residential densities

within urban areas and particularly urban areas serviced by high capacity public transportation.

7.1.3. Overall the principle of the proposed development is acceptable.

## 7.2. **Residential Amenity**

7.2.1. The overall floor area of the proposed 3-bedroom house is 120 sq. metres. This is an acceptable floor area and would provide a good standard of residential amenity.

7.2.2. Section 8.2.8.4 'Private Open Space – Quality' of the County Development Plan sets out that the minimum private open space for a 3-bedroom house shall be 60 sq. metres. The size of the rear garden is 77 sq. metres in accordance with the submitted drawing no. 18/14/01.

7.2.3. The proposed development provides 1 no. off-street car parking space. However, Table 8.2.3 of the County Development Plan sets out car parking standards for a 3-bedroom house as 2 no. spaces (depending on design and location). I will review the car parking provision under Section 7.4 below.

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

7.3.1. The appeal site is effectively a side garden to an existing house. Although the appeal site is unusual in that it would have no direct road frontage and as such the boundaries of the appeal site adjoin public open space(s) and public laneways.

7.3.2. In terms of impacts on established residential amenities it is possible that the proposed development, given the context of the appeal site, would amount to overlooking, overshadowing and visual impact on neighbouring residential amenities.



- 7.3.3. The proposed development, given the orientation, would introduce overshadowing to the rear garden of no. 50 Ralahine. However, the rear building line of the proposed house is set back behind the rear building line of the neighbouring house no. Ralahine. Therefore, I would consider that the likely overshadowing would not be unusual for a typical suburban location. The remaining private open space provision for no. 50 Ralahine is 88 sq. metres which is an acceptable standard.
- 7.3.4. The Local Authority have highlighted concerns in relation to overlooking. The Planner's report referred to the first-floor gable window, i.e. bedroom no. 3, as a concern relative to no. 74 Pinewood. Secondly the Local Authority considered that window proposed for bedroom no. 2 would be a concern for no. 14 Oakton Drive. I would share these concerns.
- 7.3.5. The local topography is a consideration as in general the local gradient falls gently in a north-west to a south-east direction. This would effectively exacerbate the overlooking potential from the gable window serving bedroom no. 3 towards no. 74 Pinewood. Bedroom no. 3 is also served with rear facing window as such this issue could be addressed by omitting the first-floor gable window by condition, should the Board favour granting permission.
- 7.3.6. The first-floor bedroom window serving bedroom no. 3 is set back approximately 6 – 7 metres from the rear garden boundary of no. 14 Oakton Drive, which in my view would diminish the established residential amenities currently enjoyed by the residents of no. 14 Oakton Drive. A high-level window might offer a potential design solution however this would reduce the residential amenities for the future occupants for the proposed development.
- 7.3.7. I would also consider that visual impact, having regard to the local topography referred to above, would be a concern for the residents of no. 74 Pinewood. A sizable gable elevation consisting of a ground floor height of approximately 4 metres above ground level is set back from the rear elevation of no. 74 by approximately 11 metres. The maximum pitch height of the gable elevation is approximately 9.3

metres above the ground level. This is set back from the rear elevation of no. 74 by approximately 14 metres.

#### 7.4. **Car Parking Provision**

- 7.4.1. Table 8.2.3 of the County Development Plan sets out that car parking requirements for a 3-bedroom house is 2 no. spaces (depending on design and location). The proposed 3-bedroom house provides 1 no. car parking space however the proposal will result in the loss of an off-street car parking space for the neighbouring house no. 50 Ralahine.
- 7.4.2. The Transportation Planning of the Local Authority have recommended a refusal on the basis of the inadequate car parking provision as the proposed development would (a) endanger public safety by reason of traffic hazard and (b) set a precedent.
- 7.4.3. The context of the appeal site is worth noting as the appeal site does not directly face onto a public road. However, there is unregulated off-street car parking within Oakton Drive which is not demarcated.
- 7.4.4. I would note that Section 8.2.4.5. of the County Development Plan advises that car parking standards maybe reduced in areas where on-street car parking controls are available. On-street car parking controls are currently unavailable in Oakton Drive.
- 7.4.5. Notwithstanding the above I would consider that the proposed inadequate car parking provision and the consequent loss of off-street car parking provision for no. 50 Ralahine would set an undesirable precedent for other such development and would result in haphazard parking in areas close to public footpaths and public lanes and as such, in my view, would endanger public safety by reason of traffic hazard.

## 7.5. **EIA Screening**

- 7.5.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment, distance of the appeal site from a natura 2000 site and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

## 8.0 **Recommendation**

- 8.1. I have read the submissions on the file, visited the site, had due regard to Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

## 9.0 **Reasons and Considerations**

The proposed development provides inadequate car parking provision in accordance with Section 8.2.4.5 of the County Development Plan and would therefore be contrary to Section 8.2.3.4 (v) 'Corner / Side Garden Sites' of the Dun Laoghaire Rathdown County Council, 2016 – 2022. The proposed development would also result in the loss of the sole off-street car parking space for no. 50 Ralahine. The proposed development would result in car parking in unregulated public areas and as such the proposal would endanger public safety by reason of traffic hazard.

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Kenneth Moloney  
Planning Inspector  
1<sup>st</sup> February 2019