



An
Bord
Pleanála

Inspector's Report ABP-302986-18

Development	Relocation of existing vehicular entrance to front, subdivision of existing dwelling in two dwellings & construction of extension to side of house.
Location	41 Rory O' Connor Park, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0816
Applicant(s)	Christopher Ingles
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Christopher Ingles
Observer(s)	Alan Zambra
Date of Site Inspection	8 th January 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The site with a stated area of 0.048 hectares is located in an existing mature residential development at Rory O' Connor Park, Dun Laoghaire, Co. Dublin.
- 1.2. No. 41 consists of a large end of terrace dwelling on a corner site. The existing house has previously been extended to the rear and side and is significantly larger than existing dwellings in the terrace.

2.0 Proposed Development

- 2.1. Permission sought for subdivision of existing dwelling into two dwellings together with single storey extension to side of dwelling. The proposed extension has a stated area of 17.8m². Two No. 2 bedroomed dwellings are proposed within the existing dwelling – unit 1 (existing dwelling) and unit 2 (existing dwelling together with single storey extension). It is proposed to provide two new entrances.
- 2.2. Revised drawings were submitted with the appeal dated the 14th day of November 2018. It is proposed to demolish the existing kitchen in unit 1 and provide an increased private open space area of 49m². It is also proposed to provide one central access point for both dwellings to the front of the site in lieu of the two entrances previously proposed.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one reason as follows:

'Due to the substandard private open space provision for the existing dwelling and its northern orientation, the proposal fails to accord with Section 8.2.8.4(i) of the Dun Laoghaire - Rathdown County Development Plan 2016-2022 in relation to private open space provision for houses. The proposal would result in a poor standard of amenity for existing occupants and will set an undesirable precedent for similar

development in the area. 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. Planning Reports

- The planner's report considered that the proposed side extension would not unreasonably compromise the residential amenity of the property to the north by reasons of overshadowing, overlooking or being overbearing. It was considered that the proposal did not comply with the private open space requirements of the Development Plan.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – Required Further Information.

3.3. Prescribed Bodies

Irish Water – No objection subject to conditions.

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 D17A/0131

Permission refused for the construction of two storey dwelling to side of existing house for two reasons relating to impact on residential amenity and inadequate quantitative and qualitative provision of private open space.

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

- It is proposed to demolish the existing single storey kitchen extension to the rear of unit 1 in order to address the issue of quantity of private open space.
- At present, the applicant uses this rear garden daily and states that it is a sun trap in the mornings on the west side and in the evenings on the east side.

- We have extended the front garden over the boundary to take some front garden area from the new proposed sub-divided dwelling.
- The vehicular entrance has been amended so that it is shared between the dwellings and parking has been indicated for 2 No. cars as required by the report of the Transportation Section.

6.2. **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.

6.3. **Observations**

One observation has been submitted which can be summarised as follows:

- New notices are required.
- The private open spaces for both proposed dwellings are of poor quality in terms of layout and practical value to the future occupiers.
- The existing house seriously injures the residential amenities of the observer. The proposed development of further living accommodation would exacerbate the existing situation.
- The proposed extension would breach existing building lines.
- The proposed extension and perimeter boundary wall would have a permanently adverse effect upon the visual amenities of this corner site.
- The living requirements of the applicant and his grandparents can be satisfied by developing a family flat within the existing accommodation.

7.0 Assessment

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

- Impact on Residential Amenity
- Private Open Space Provision
- Other Issues
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Impact on Residential Amenity

7.2.1. The main issues regarding residential amenity, are raised in the observation submitted to the appeal. The observation states that 'the existing house on this site is twice the width of a typical house in the immediate area and our client considers that the extended house seriously injures the amenity enjoyed at his home at No. 40 next door.'

7.2.2. I note that the existing house has a stated area of 207.3m² and the width is 13.3m. As such, I would agree with the observation that the existing house is twice the width of a typical house in this area. 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.'

7.2.3. The existing dwelling has four bedrooms and it is proposed to split it into 2 No. two bedrooms dwellings. The extension proposed is single storey with a stated area of 17.8m². I do not consider that the proposed extension would overlook the existing dwelling in any way or have an overbearing impact on the existing house. I note that a new velux window is proposed to the rear of the dwelling to light a stairwell, however I consider that this is satisfactory. Whilst the proposed extension will extend 4.5m beyond the existing building line, this is a large corner site, and I am satisfied that the alternation to the building line can be accommodated without detracting from the residential or visual amenities of the area. I note that the planning report states

that the Planning Authority 'is satisfied that the proposed side extension will not unreasonably compromise the residential amenity of property to the north by reasons of overshadowing, overlooking, or being overbearing.' Having regard to the size, scale and design of the extension proposed, I concur with this view. I am satisfied that the subdivision of this dwelling into two dwellings has had adequate regard to the existing pattern of development in the area and would not detract from the residential amenities of nearby properties.

7.3. Private Open Space

- 7.3.1. Section 8.2.8.4(i) of the Development Plan sets out the requirements for private open space. It is stated that 'all houses (terraced, semi-detached, detached shall provide an area of private open space behind the front building as follows:
- For 1 or 2 bedroom houses, a figure of 48m² may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site.'
- 7.3.2. The Planning Authority refused permission for one reason only relating to the substandard private open space provision and its northern orientation.
- 7.3.3. In order to address this issue, the revised drawings submitted to the Planning Authority with the appeal propose to demolish an existing rear kitchen extension and increase the area of private open space.
- 7.3.4. A total of 49m² of private open space is now proposed for unit 1 which complies with the Development Plan requirements in terms of quantity.
- 7.3.5. The appeal states that 'at present Mr. Ingles uses this rear garden daily and states that it is a sun trap in the mornings in the mornings on the west side and in the evenings on the east side which they currently enjoy daily.'
- 7.3.6. The area is presently completely paved in light coloured paving stones and appears to be used as an outdoor sitting area by the family with patio furniture in place. This is the only paved area for the existing four bedroom house although the existing house currently enjoys other private open space which is unpaved to the side. I inspected the site at c. 2pm on a January afternoon and considered that the area was warm and bright and of a reasonable quality. I would share the views of the Planning Authority in terms of discounting private open space to the front of the

dwelling, however I am satisfied that the proposed private open space to the rear of unit 1 is satisfactory in terms of quality and quantity.

7.3.7. It is proposed that unit 2 would have a small area to the rear together with an area to the side with a stated area of 78m². A 1.2m high wall with additional timber to a height of 1.8m is proposed to provide privacy. I note that the observer considered that the proposed boundary treatment at this location would have a permanently adverse effect upon the visual amenities of this corner site.

7.3.8. I am satisfied that the private open space provision for both units 1 and 2 is satisfactory and in accordance with Development Plan requirements. I am also satisfied that the proposed boundary treatment is typical in a suburban area and will provide privacy without detracting from the visual amenities of the area.

7.4. Other Issues

7.4.1. The observation states that the proposals submitted in the appeal constitute material changes and require new notices.

7.4.2. The changes submitted at appeal stage provide for a shared access in lieu of two separate accesses and the demolition of an existing extension to provide for a larger private open space area.

7.4.3. I do not consider that revised notices are required for these alterations and it is clear from the observation submitted that the observer is fully aware of the changes proposed.

7.5. Appropriate Assessment

7.5.1. 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.

7.6. Environmental Impact Assessment

- 7.6.1. 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

- 8.1. 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, as amended by the further plans and particulars submitted on the 14th day of November 2018 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

Emer Doyle

Planning Inspector

15th January 2019