



An
Bord
Pleanála

Inspector's Report ABP-303266-18

Development	Subdivision of property and construction of a detached house.
Location	Louvain Villa, Louvain, Clonskeagh, Dublin 14
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0916
Applicant(s)	Eddie & Jodie Tingle
Type of Application	Permission
Planning Authority Decision	Dún Laoghaire Rathdown County Council
Type of Appeal	First Party
Appellant(s)	Eddie & Jodie Tingle
Observer(s)	Mary O'Reilly
Date of Site Inspection	9 th February 2019
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located at the corner of Louvain and Roebuck Road in Clonskeagh approximately 6km south-east of Dublin city centre. The northern side of Roebuck Road comprises educational uses and open space and the southern side is dominated by low density detached housing. The road itself provides a distributor function and is aligned on both sides by cycle lanes.
- 1.2. The elongated site is sandwiched between Louvain Villa and No. 61 The Palms. At its narrowest point, the site is 8m wide and the total length of the site is c. 44m. Levels rise from east to west by approximately 4m. There is an overgrown bank between the site and Roebuck Road. There is also mature planting to the north of the site at the rear of No. 61.
- 1.3. Louvain Villa is a detached 2-storey dwelling facing south-east. The appeal site comprises approximately 414 sq.m. of the entire 1,440 sq.m. site. The site is currently in use as a side garden and parking area.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
 - Subdivision of existing property;
 - Construction of a new single-family 2-storey detached house; and
 - New vehicular entrance onto Roebuck Road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dún Laoghaire Rathdown County Council issued notification of decision to refuse permission for reasons relating to overall height, scale and massing of the dwelling, which is considered to be overbearing when viewed from the private amenity area of the property to the north-west (No. 61).

3.2. Planning Authority Reports

3.2.1. The recommendation to refuse permission in the final Planner's Report reflects the decision of the Planning Authority. The main points raised under the assessment of the proposal are as follows:

- Proposal sees reduced site area, height (now 2-storeys) and floor area from previous refusal; however, footprint and depth have increased.
- Site width is narrow compared to surrounding plots.
- Proposed dwelling is extensive in terms of depth and bulk is evident on side elevation.
- Overall depth at 19.445m would be fully visible from the rear garden of property to north-west – there are concerns that the dwelling would have an overbearing impact on this property.
- Concerns that the quality of the rear garden area of the dwelling to the north-west would be seriously reduced due to scale and proximity of proposed dwelling and impacts of overshadowing (no shadow analysis submitted for later in the afternoon).
- Proposed amenity space is in accordance with Development Plan standards.

3.2.2. The Drainage and Transportation Divisions have no objection to the proposal subject to conditions.

4.0 Planning History

Dún Laoghaire Rathdown County Council Reg. Ref: D18A/0587

4.1. Permission refused for sub-division of the site and construction of a new single-family detached house of 2 and 3 storeys and new vehicular access to Roebuck Road.

4.2. The reason for refusal referred to the constrained width of the site and its proximity to the neighbouring dwelling to the north-west. It was considered that the proposed dwelling would appear overbearing when viewed from the private amenity space of this property and would result in overlooking and overshadowing.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022

- 5.1.1. The site is zoned 'A' with the stated objective *'to protect and/ or improve residential amenity.'*
- 5.1.2. The principles of residential development are set out in Section 8 of the Development Plan. Section 8.2.3.4(v) relates to development in corner/ garden sites.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against the Council's decision was submitted on behalf of the applicant. The appeal includes slightly revised drawings for the Board's consideration showing a reduced floor to ceiling height over part of the 1st floor level, which has the effect of setting back by 2.5m and reducing the parapet level by 1m for a length of c. 12.3m along the northern elevation of the proposed dwelling.
- 6.1.2. The grounds of appeal and main points raised in the appeal submission are summarised as follows:
- Council has placed disproportionate weight on the amenity of a piece of ground to the rear of No. 61 that has been wasteland since applicants moved into their property in early 2000s.
 - Depth and 1st floor level has remained unchanged from previously refused dwelling and ground floor increase in depth would have zero impact on the mass, scale or bulk of the proposed dwelling because it is at basement level at the western end of the dwelling.
 - Private amenity space serving No. 61 The Palms slopes severely down to Roebuck Road with a fall of 4.5m over 16m and this topography renders it largely ineffective. Most of the trees between No. 61 and Roebuck Road are within the Council owned sloped bank/ verge.

- Ridge height of No. 61 is 2.87m higher than the parapet of the proposed dwelling and eaves of No. 61 is comparable to the top of the upper level window of the proposed dwelling.
- Proposal would largely present as a single storey dwelling when viewed from No. 61.
- Scale and mass of the proposed dwelling would be partially screened by the foliage just inside the boundary of No. 61.
- Height, bulk and scale of the proposed dwelling are appropriate and would not appear overbearing when viewed from the so-called amenity space to the rear of No. 61.

6.2. Observation

6.2.1. An observation on the appeal was received from the resident of No. 58 The Palms. The main points raised in this submission are as follows:

- Proposed exit would be a traffic hazard – cars and cyclists coming down the hill from Foster Avenue would have their view blocked of any car emerging from the proposed existing by traffic emerging from Louvain. Cars exiting from Louvain would not have sight of the proposed exit.
- Proposed exit is near a dangerous bend and on line with a pedestrian exit from UCD and would exit onto a cycle lane.
- House is outside the building line of the houses in Ardilea and is not in keeping with other houses.
- The windows overlook the garden of No. 61 The Palms.
- Planning notices were not very visible.
- Patio at the back is right against the party wall and would interfere with privacy.
- Proposed structure would darken No. 61 and interfere with light coming from the south - proposed structure goes right up to edge of house and conservatory.

- Proposed structure would also look directly over the front garden of No. 60.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority consider that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

7.0 Assessment

- 7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Visual impact;
- Traffic impact; and
- Appropriate Assessment.

7.2. Development Principle

- 7.2.1. The appeal site is zoned 'A' with the stated objective *"to protect and/ or improve residential amenity."* The sub-division of the site and construction of an infill dwelling at a corner location would therefore be acceptable in principle subject to an assessment of the impact of the proposal on residential amenity and compliance with other relevant Development Plan policies and objectives.

7.3. Impact on Residential Amenity

- 7.3.1. It is considered under the Council's reason for refusal that the proposed dwelling, by reason of its size and scale and proximity to the dwelling to the north-west, would appear overbearing when viewed from the private amenity area of this property.
- 7.3.2. From the outset, it should be noted that the proposal is for a 193.7 sq.m. 3-bedroom split-level dwelling that appears as 2-storeys to the front and single storey to the rear. The "Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities" (2007) sets out internal space standards for different dwelling types. The target gross floor area for a 3-bed 2-

storey house is 100 sq.m. Clearly, the proposed dwelling is well in excess of these standards and I have no objection *per se* to the provision of larger scale infill dwelling on this site. However, when there are issues regarding potential adverse impact on adjoining residential amenity, I consider that a balanced approach should be taken in terms of the distribution of residential amenity for future and existing residents. I do not consider that it is appropriate to facilitate very generous amenity standards for a development proposal at the cost of the existing amenity levels enjoyed by adjoining residents.

- 7.3.3. No. 61 The Palms is a west facing dwelling located to the north of the appeal site. To the rear of this dwelling is an amenity space that slopes eastwards and is in an overgrown condition. The first party appeal emphasises that the condition and topography of this space render it largely unusable and in these circumstances it is disproportionate to protect its amenity.
- 7.3.4. In my opinion, the existing presentation of an adjoining amenity space is not grounds for allowing an adjoining dwelling that could seriously impact on this space in terms of overshadowing and overbearing impacts. The usage of the space is the concern of an existing resident and it should be recognised that future residents may choose to use it differently. I agree with the Planning Authority that the proposed dwelling would seriously reduce the quality of the adjoining garden and limit the residential amenities of this property. The 19.445m depth of the proposed dwelling would form an obtrusive and overbearing feature at heights c. 4m increasing to c. 7m along the entire boundary of the adjoining garden.
- 7.3.5. The first party appeal is accompanied by revised drawings showing a section of the proposed dwelling to its north-east reduced in height by c. 1m and set back c.2m. In my opinion, this will offer little improvement in terms of impact on adjoining residential amenity.
- 7.3.6. Overall, I consider that the proposed development will give rise to an undue diminution in amenity levels enjoyed the adjoining garden notwithstanding the current condition or usage of this amenity space. I consider this to be particularly unacceptable in circumstances where there is scope to reduce the size and scale of the proposed dwelling, whilst maintaining appropriate internal space and amenity standards.

7.4. Design and Visual Impact

- 7.4.1. The proposal is for a contemporary dwelling located on a narrow and elongated site. The dwelling has been designed to fit the proportions of a site that currently is in use as a side garden and parking area for the host dwelling. It should be noted that a previous proposal on this site was refused permission for reasons relating to the constrained width of the site, the scale of the dwelling and proximity of the proposal to boundaries.
- 7.4.2. I would be in agreement that it is difficult to accommodate a dwelling on a site of these proportions and consider that the entire site, including host dwelling, may benefit from comprehensive redevelopment for the purposes of providing a number of additional dwellings at this location. The proposed dwelling and adjoining dwellings would give rise to a cramped appearance that may be off-set to some degree by the corner location of the site. However, the corner location also offers greater scope for redevelopment.

7.5. Traffic impact

- 7.5.1. An observer on the appeal expressed concern that the proposed access onto Roebuck Road may give rise to a traffic hazard and could interfere with the cycle lane on this side of the road.
- 7.5.2. I note that the Transportation Department had no objection to the proposal subject to conditions. I observed from my site visit that Roebuck Road is quite heavily trafficked and vehicles often travel at excessive speed, particularly on the eastern bound down-gradient approach to the site. The proposed access is in close proximity to the adjoining "T" junction and I would be of the view that better access from Louvain could be provided in the event of the entire site being redeveloped.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

- 9.1.1. The appeal site is zoned 'A' where the stated objective is *'to protect and/ or improve residential amenity.'* Having regard to its scale, height and bulk, and its proximity to the property to the north, it is considered the proposed dwelling on a constrained site would give rise to overbearing and overshadowing impacts on adjoining property and would be seriously injurious to the residential and visual amenities of the area. The proposed development would constitute overdevelopment of a restricted site and would therefore be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

9th February 2019