



An
Bord
Pleanála

Inspector's Report ABP-303391-19

Development

Construction of a house and all associated services and facilities.
Demolition of garage and partial demolition of the property boundary wall. Part of application boundary located within Silchester Road Architectural Conservation Area.

Location

Rear of Fareham, Silchester Road,
Glenageary, Co Dublin A96 E4F1

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D18A/0965

Applicant(s)

Jennifer O' Riordan

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Jennifer O' Riordan

Observer(s)

None

Date of Site Inspection

28th February 2019

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The site with a stated area of 0.1996 hectares is located on Silchester Road, approximately 350m west of Glenageary Dart Station.
- 1.2. The site is located to the rear of a detached residential unit 'Fareham' which fronts onto Silchester Road. The existing site as a whole, including 'Fareham' has an area of 0.4 hectares. Part of Silchester Road including 'Fareham' is located in the Silchester Road ACA, however, the majority of the subject site is not within the ACA.
- 1.3. None of the adjacent sites have been developed to date with the exception of the adjacent site to the rear of 'Montrose.' A large contemporary style house has recently been developed on these lands.

2.0 Proposed Development

- 2.1. Permission is sought to construct a 364m² two storey dwelling with a ridge height of 10m. The proposed dwelling is Edwardian in style with bangor blue roof slates and a mix of red brick and pebble dash walls. It is proposed to demolish the existing garage to provide access from Silchester Road. The existing dwelling on site 'Fareham' and part of the application boundary are located within the Silchester Road Architectural Conservation Area.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 1 No. reason as follows:

The proposed development of one dwelling unit on a site size of 0.1966ha is not considered to be of a sufficiently high density as envisaged by the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area 2009, for this serviced site, which is within a 1km walk band of a Dart station. The proposed development is contrary to Policy RES3 'Residential Density' of the Dun Laoghaire Rathdown County Development 2016-2022, and Section 5.8 of the Sustainable Residential Development in Urban Areas (DoEHLG 2009). The proposed

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

3.2. **Planning Authority Reports**

- Planning Reports

Planning report considers that the density proposed is too low and recommends refusal on these grounds.

3.2.1. Other Technical Reports

- Transportation: No objection subject to conditions.
- Drainage: No objection subject to conditions.
- Conservation Officer: Principal of proposal acceptable, design approach not considered acceptable in the context of Silchester Road ACA.

3.3. **Prescribed Bodies**

- Irish Water: No objection.

3.4. **Third Party Observations**

Three No. submissions were received. The main concerns raised related to impacts on residential amenities, size of house proposed and construction impacts.

4.0 Planning History

PA D04B/0595

Permission granted for conversion of an existing single storey double garage for use as a games room including replacing existing flat roof with a pitched roof with storage within roof space.

Adjoining site

PA D14A/0595

Permission granted for minor amendments to the layout, detail and design of the residential dwelling permitted to the rear of Montrose.

D13A/0427

Permission granted for construction of two storey dwelling to the rear of 'Montrose'.

5.0 Policy and Context

5.1. Development Plan

Dun Laoghaire Rathdown Development Plan 2016-2022

The site is zoned 'A', with a stated objective 'to protect and/or improve residential amenity'.

Part of the site is located within the Silchester Road Architectural Conservation Area (ACA).

Policy RES 3 and Section 8.2.3.2 encourage higher densities at appropriate locations in line with Government Guidelines as set out in 'Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities' 2009.

5.2. Natural Heritage Designations

The nearest Natura 2000 sites are Dalkey Islands SAC/SPA Site Code 004172 and Rockabill to Dalkey Island SAC c. 2km to the south east.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, 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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal submitted on behalf of the applicant can be summarised as follows:

- The proposed development would double the existing density on the site and strike a reasonable balance between the protection of the established character of the area and achieving a higher density.
- The planner's report considers that one dwelling to the rear of this site would represent underdevelopment. It then goes on to suggest that the following would be required to rectify the situation. The four requirements of the planner's report would be high risk for the owner and outside the capacity, capabilities and time horizon of most owners in similar situations.
- Funding would be impossible for a person of retirement age.
- The site is not central to 'other rear gardens' in the area.
- There is no practical, legal or financial local authority intervention or co-ordination available to facilitate a situation where 'other rear gardens...could be developed in tandem.'

6.2. **Planning Authority Response**

- The Planning Authority refers to the planner's report and retains its position that the development as proposed should be refused for the reason set out in their decision. It is also pointed out that the site is not within an O/O zoning area.

6.3. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues are those raised in the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also need to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density
- Impact on Architectural Conservation Area
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The appeal sites is zoned Objective A where the objective is 'to protect and or improve residential amenities'. The proposal for residential use is in accordance with the zoning objective and is therefore acceptable in principle.

7.3. **Density**

7.3.1. Section 8.2.3.1 of the Development Plan encourages higher densities in appropriate locations and Policy RES 3 set out the Council's policy in relation to residential densities. Policy RES 3 states 'It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing amenities and the established character of areas, with the need

to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the following Guidelines: Sustainable Residential Development in Urban Areas DoEHLG 2009, Urban Design Manual – A Best Practice Guide DoEHLG 2009, Quality Housing for Sustainable Communities, DoEHLG 2007, Irish Design Manual for Urban Roads and Streets, and National Climate Change Adaptation Framework- Building Resilience to Climate Change. Policy RES 4 encourages the densification of existing suburbs in order to retain population levels by 'infill' housing.

- 7.3.2. The Development Plan encourages higher density in appropriate locations including areas where a site is located within c. 1km of a rail station. The Ministerial Guidelines- Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities encourage densities in appropriate locations through more economic use of existing infrastructure and serviced land.
- 7.3.3. The subject site is situated c. 350m from Glenageary Dart Station. The site size is considerably longer and wider than many suburban infill sites with a stated area of 0.1996 hectares. The proposed house is also very large with a stated area of 364 m².
- 7.3.4. I note that permission was granted on an adjoining site for a similar type of development to that currently proposed to the rear of 'Montrose' under D13A/0427 under the previous development plan. In my opinion, this type of development of large dwellings on large sites is undesirable and contrary to national and local policies. I note that the Planning Authority consider that the proposed development is not acceptable due to the low density within 500m of a Dart station. I share this view and consider that the site could be more appropriately developed at a higher density.
- 7.3.5. The Planning Authority note the constraints involved include the location of the site within the Silchester Road ACA which would need to be taken into account in any future application. The Planning Authority report encourages the applicant to investigate the possibility of amalgamating the application site and the adjoining sites to provide for a more comprehensive development rather than a piecemeal development as this would allow for more flexibility in terms of design response.
- 7.3.6. The appeal makes the case that 'it is unrealistic to expect an individual house subdivision by an existing owner to radically change a long established affluent area

partly contained in an Architectural Conservation Area to become a more sustainable residential community.’ It is stated that there are no practical, legal or financial local authority intervention or coordination available to facilitate a situation where other rear gardens could be developed in tandem. It is impractical as it is very high risk, it is not possible in a realistic timeframe for the owner and it is not desired by the owner. The owners wishes include looking to assist retirement funding plan, staying local with a wide range of social contacts in the neighbourhood, and to maintain good neighbour relations and not introduce personal or development issues. It is noted that the proposed density doubles existing density and the size and scale of the dwelling was determined by the need to accommodate visiting friends and related social activity together with business related entertainment by the recently retired applicants. The applicant suggests that should the Board be minded to grant permission, a condition could be included to increase the width of the access driveway or new entrance if this would be useful to increase density in the future through co-operation and incorporating lands in other ownerships.

- 7.3.7. Notwithstanding the case made in the appeal which very clearly outlines the applicant’s personal circumstances, I consider that the subject site is suitable for development at a higher density and that a greater planning gain could be achieved on the site if it was developed at a higher density. As such, having regard to the proximity of the site to Glenageary Dart Station, it is considered that the proposed development would represent an inefficient and unsustainable use of serviced zoned land and would be contrary to the provisions of policy RES3 of Development Plan and to the provisions of ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’.

7.4. Impact on Architectural Conservation Area

- 7.4.1. Part of the site is located with the designated Silchester Road Architectural Conservation Area. I note that the majority of the site is not within the Architectural Conservation area and that this area is not subject to residential policy 0/0, where no increase in numbers of buildings will normally be allowed.
- 7.4.2. A report on the file from the Conservation Section states that there are no objections to the principle of the proposed development. However, concerns are raised in

relation to the design approach as it more than ‘borrows’ from the parent building employing design features of Edwardian architecture. Any new dwelling should have respect for the site/ building context without imitating earlier styles.

- 7.4.3. I have reviewed the contents of the ‘Silchester Road ACA Character Appraisal’ which advises that ‘appropriately scaled new build should have respect for the site/ building context, without imitating earlier styles, and will encourage a sensitive design approach to maintain the overall integrity of the urban grain, whilst also encouraging where appropriate, contemporary designs that are complimentary and/or sympathetic to their context and scale.’
- 7.4.4. A Conservation Assessment was submitted with the application which concludes that the proposed development retains a setting for the existing period house whilst providing a traditional style dwelling.
- 7.4.5. Overall, whilst a contemporary style would be desirable, I consider that the proposed Edwardian style dwelling will not adversely impact on the character and setting of the ACA in which it is located.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, an infill site in a serviced urban area, and its 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 a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

Having regard to the site layout, to policy RES3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 wherein it is stated that it is council policy to

promote higher residential densities in close proximity to public transport, the Board is not satisfied that the layout proposed was sufficiently innovative to secure an appropriate density for this serviced and valuable land resource. The proposed development would, therefore represent an inefficient and unsustainable use of serviced, zoned land and would be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

3rd April 2019