



An
Bord
Pleanála

Inspector's Report ABP-303494-19

Development	Construction of house
Location	1 Monaloe Drive, Deansgrange, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1018
Applicant(s)	Helen and Finbarr Murphy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Colin and Aoibhe Riordan
Observer(s)	Edel and Nigel Bell
Date of Site Inspection	21 st March 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site with an area of 0.089 hectares is located on the corner of Monaloe Drive and Monaloe Park Road, Deansgrange, Co. Dublin. The site forms the side garden of an existing two storey dwelling at No. 1 Monaloe Drive.
- 1.2. The existing development on site comprises of a semi-detached dwelling with a pitched roof. The general character of the area is low density and suburban. Many of the designs in the estate are similar to the existing two storey dwelling, however, there are variations in design from existing dwellings on corner sites within the estate.

2.0 Proposed Development

- 2.1. The proposed development comprises:
 - Subdivision of existing site and construction of new two storey dwelling with velux rooflights in side garden. The proposed dwelling has a stated area of 156m² and comprises of 3 No. bedrooms. Off street parking is provided for 2 No. cars.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission granted subject to 14 No. Conditions. Noteworthy conditions include the following:
 - Condition 3 required the provision of a high level window to the en-suite bathroom of bedroom No. 3 at first floor level on the south-western (Monaloe Drive) elevation.
 - Condition 4 required that development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended), or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority noted that ‘although the roof form is not characteristic of the majority of dwellings within the immediate surrounds, there are examples of dwellings of various architectural forms within the wider area.’ The Planning Authority was satisfied that the proposal would not impact negatively on the streetscape.

3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions.
- Drainage Department: No objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No objections subject to conditions.

3.4. Third Party Observations

- 3.4.1. Three No. submissions were made during the prescribed period. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

- 4.1.1. None on site.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: ‘To protect and/or improve residential amenity’.

Section 8.2.3.4 (vii) Infill: *“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”*

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

5.2.1. None applicable.

5.3. EIA Screening

5.3.1. 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 the third party appeal can be summarised as follows:

- Concerns regarding impact on visual amenity.
- Concern regarding vehicular access facing different road to existing dwelling.

- Concern regarding overlooking and impact on privacy.

6.2. Applicant Response

A response submitted on behalf of the applicant can be summarised as follows:

- It is considered that there is no overlooking due to distances between windows and locations and design of windows.
- It is considered that design is appropriate for the area.
- The examples of refusals cited in appeal are not similar to this site.

6.3. Planning Authority Response

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

6.4. Observations

The observation submitted raised concerns in relation to visual impact, loss of privacy and traffic safety.

7.0 Assessment

- 7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on Residential Amenity

- Appropriate Assessment

7.2. Visual Impact

- 7.2.1. The subject development comprises a two storey dwelling with some velux windows. The proposed development is located on a corner site adjoining Monaloe Drive and Monaloe Park Road. The existing house at this location faces Monaloe Drive. It is proposed that the new house and access would face Monaloe Park Drive.
- 7.2.2. The main issues raised in the appeal and observation in relation to visual impact relate to the way the house and access are facing, the design of the dwelling and the loss of existing hedgerow to the front of the dwelling.
- 7.2.3. The existing houses in this estate date back a number of decades and are of their time. Whilst attractive dwellings, they are not of any particular architectural quality which it is necessary to emulate in my view. Whilst many of the semi-detached dwellings in the estate are of similar style to No. 1 Monaloe Drive on the adjoining site, there is a wide variety of housing styles in the area and on corner sites in particular. I accept that the roof form is not characteristic of the majority of the surrounding houses, however I am satisfied that it would not detract from the character of the estate. I consider that the proposed design is modern and contemporary and would be an attractive addition to the estate. I note that it is proposed to use finishes including render and slates and these will help the proposed house integrate successfully with existing houses in the area.
- 7.2.4. As such, I am of the view that the proposed design and finishes are acceptable and would not be detrimental to the character of the streetscape.

7.3. Impact on Residential Amenity

- 7.4. Concern is raised in the appeal and observation in relation to overlooking and impact on privacy. The proposed house would face onto Monaloe Park Road. The appeal and observation are from Nos. 61 and 65 Monaloe Park Road on the opposite side of the road from the proposed house.
- 7.5. I refer the Board to Point 1 of the appeal response submitted on behalf of the applicant together with the diagrams attached which demonstrate a separation

distance of 27m between first floor windows. There are no directly opposing first floor windows less than 22m between the proposed dwelling and any of the dwellings in the vicinity of the site and as such, I am satisfied that the proposed dwelling meets development plan requirements in this regard.

7.6. Having regard to location of the house within the site, the distance to other properties and the width of the road between the properties at this location, I do not consider that the proposal will unduly detract from the residential amenities of properties in the vicinity of the site by reason of overlooking.

7.7. **Appropriate Assessment**

7.7.1. Having regard to the location of the subject site within an established and built up area, together with the nature and scale of the proposed development, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

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

9.1 Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022, the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilages of the existing or proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwellings.

5. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and pedestrian safety.

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, protection of the existing trees in the grass verges during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential 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

12th April 2019