



An
Bord
Pleanála

Inspector's Report ABP 303669-19

Development	Alterations to existing two storey semi-detached house, subdivision of site and construction of a new house (two storey with converted attic).
Location	Dun Mhuire 18 Drummartin Road, Dublin 14.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18A/0586.
Applicants	Colm & Ger Foley.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant	Donal Birthistle.
Observers	None.
Date of Site Inspection	29 th April 2019.
Inspector	Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The subject site with an area of 0.0489 hectares is located on the corner of Drummartin Road and Drummartin Close, Goatstown, Dublin 14. The site forms the side garden of an existing semi-detached two storey dwelling at No. 18 Drummartin Road.
- 1.2. The existing development on site comprises of a semi-detached dwelling. 'Dun Mhuire' (No. 18 Drummartin Road) with a hipped 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.
- 1.3 A shared entrance is proposed with No. 18 off Drummartin Road.

2.0 Proposed Development

The proposed development comprises:

Subdivision of existing site and construction of new two storey dwelling with attic conversion in side garden. The proposed dwelling has a stated area of 244m² and comprises of 5 no. bedrooms. Shared vehicular entrance and off street parking is provided with No. 18 Drummartin Road.

Site Area: 0.0489 Hectares. Proposed subdivision results in No. 18 Drummartin Road with a site area of c. 0.0211hectares and No.18A (proposed dwelling) would have a site area of c. 0.0277hectares.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information and subsequent Clarification of Further Information, the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 12 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, restrictions on exempted development provisions, surface water drainage, construction management, and development contributions

3.2. Planning Authority Reports

3.2.1 Planners Report

An initial report details the site context, the planning history, and the applicable policy considerations before outlining that the overall design and layout of the proposed development will not detract from the character of the surrounding area and will not have a detrimental impact on the residential amenity of neighbouring properties. The report subsequently notes the comments of the Drainage Planning Division (Municipal Services Department) and the Transportation Planning Division and recommends a request for further information accordingly.

Following the receipt of a response to a request for further information, Clarification was requested relating to how surface water run off generated by the new house is to be infiltrated.

Following the receipt of a response to a request for Clarification of further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2 Other Technical Reports

Transportation Planning: An initial report noted the deficit in carparking provision and that the proposed vehicular entrance located c.60m from a signalized junction is not acceptable due to the intensification of conflicts by vehicles entering/exiting off Drummartin Road. The applicant was requested to relocate the proposed entrance off Drummartin Close, in line with similar developments at 16A and 7B Drummartin Road.

Follow the receipt of a response to a request for further information and notwithstanding that the vehicular access remains off Drummartin Road albeit a shared entrance, a final report was prepared which stated that there was no objection to the proposed development, subject to conditions.

Drainage Planning (Municipal Services Department): An initial report noted deficiency in information submitted relating to surface water drainage proposals. And the requirement that all hardstanding areas be permeable surfaces.

Following the receipt of a response to a request for further information, clarification of further information was requested relating to surface water runoff from the proposed development. A final report was prepared which stated that there was no objection to the proposed development, subject to conditions.

3.2.3 Prescribed Bodies

Irish Water: No objection, subject to conditions.

4.0 Planning History

None as per Planning Register.

5.0 Policy and Context

5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Land Use Zoning Objective 'A' *To protect or improve residential amenity.*

RES3 *states that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. And as a general rule the minimum default density for new developments in the county (excluding lands on zoning objective 'GB', 'G' and 'B') shall be 35 units per hectare.*

RES4 states that it is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

General Development Management Standards:

Section 8.2.3.4 (v) refers to Corner/Side Garden Sites. Such proposals shall be considered in relation to a range of criteria including having regard to the size, design, layout and relationship with existing dwelling and immediately adjacent dwellings.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 75 sq.m is set out for a 4 bed (or more) house. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

Section 8.2.4.9 refers to vehicular entrances and hard standing areas and that maximum width for entrance to single houses is c. 3.5m.

5.2. Guidelines

The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

5.3. Natural Heritage Designations

None of relevance.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, consisting of the demolition of part of an existing dwelling and the construction of a new dwelling on a serviced suburban site, 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

A third party appeal was received from Donal Birthistle, 20 Drummartin Road, Dublin 14.

The grounds of appeal are summarised as follows:

- The scale, bulk and mass of the proposed building is over bearing on the adjoining properties.
- Overshadowing and loss of light of adjoining properties.
- Proposed vehicular access is not in keeping with the street. It resembles flats/apartments and is unsightly and not appealing.
- There is precedent at No. 16A and 7A for house in the side garden with access at the side and in the back garden of the property. This should be replicated here if permission is granted. Photographs of precedents submitted.
- Overdevelopment of the site, excessive footprint, bulk, mass, scale and surface parking.
- Negative impact on the amenities of adjoining properties and property value.

6.2. Applicant Response

This is mainly in the form of a rebuttal. Points of note include.

- A shadow analysis was requested to assess the impact of the proposal on No. 18 not No. 20. Notwithstanding, the proposed house would not have a detrimental impact on the amenities of No. 20 Drummartin Road.
- Reference and photographs of precedents for houses in the side garden have been submitted.
- The scale, mass and bulk of the proposed dwelling is in keeping with the character of the area and does not constitute overdevelopment of the site.
- A copy of the shadow diagrams submitted with the application included with the response.

6.3. Planning Authority Response

The Board is referred to the 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.

6.4. Observations

None.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed.

The issues can be dealt with under the following headings:

- Design
- Residential Amenity.
- Access.
- Appropriate Assessment.

7.1 Design

7.1.1 The grounds of appeal refer to the scale and bulk of the proposed house on site and the impact on the residential amenities of adjoining residents by virtue of overbearance and overshadowing.

- 7.1.2 Permission is sought for a c.244 sq.m two storey dwelling with attic conversion. Section 8.2.3.4 (v) of the Development Plan refers to corner/side garden sites and a range of criteria that applies to their development, including respecting the massing and height of existing residential units. The predominant built form in the area is two storey semi-detached suburban style housing with a number of infill developments in side gardens of various styles and design, along Drummartin Road. The existing house, No. 18 Drummartin Road is a two storey semi-detached house fronting onto Drummartin Road. The Area Planner noted in their report that the scale and bulk was considered acceptable and would not create a discordant or incongruous feature to the streetscape along Drummartin Road. I am satisfied that the current proposal reflects the height of the adjoining houses and, in my view, the overall design, scale and massing of the proposed development respects the predominant pattern of development in this area. It would not form a discordant feature on the streetscape at this location and would not detract from the character and architectural grain of the area.
- 7.1.3 The appellant raised concerns regarding the potential for the proposed development to be overbearing when viewed from the adjoining property to the west (No. 18 Drummartin Road) and along Drummartin Road to the east. I note that the distance from the two storey elements of house and the closest dwellings, No. 18 Drummartin Road, to the west, which has a gable addressing the appeal site is c.1m and the rear wall of No. 1 Drummartin Close, to the north would be c.6.2m. The appellant's house, No. 20 Drummartin Road is paired with No. 18 Drummartin Road and located to the west of same
- 7.1.4 I consider that the impact of the proposed house within the site to be acceptable due to its design, scale and context. The proposed development, in terms of design, scale, mass and height would not have an overbearing impact on neighbouring properties or from the adjoining public road. The set back of the two storey elements from the site boundaries is sufficient to address the concerns raised by the appellant in relation to the overbearing impact on the adjoining properties.

7.2 Residential Amenity

- 7.2.1 The appellant raised overshadowing in the grounds of appeal arising from the scale of the proposed house and its negative effect on the amenities of No. 20 Drummartin Road.
- 7.2.2 The Shadow analysis and diagrams submitted with the appeal concluded that the proposed development will not have any significant impact on the daylight conditions which would be available to the neighbouring residences. Further to this the results also indicated that no significant reduction in sunlight amenity could be expected to the rear of the neighbouring house.
- 7.2.3 The proposed house would be sited in the side garden of No. 18 Drummartin Road to the east of No. 18 at a setback of c.1.2m from the gable of No.18. The single storey element to the rear of the proposed house projects c.11.5m beyond the rear building line of No. 18. I acknowledge that the proposals would lead to some overshadowing of the private amenity space of No. 18. This area already experiences a degree of overshadowing due the existing single storey element to the side of No.18 that is proposed to be demolished as part of the current application. The appellant's house, No.20, is located to the west of No.18 and would not be impacted by the proposed development. I am of the view that while there would be a degree of overshadowing of No.18 it is not of an extent that would detract from the residential amenities of adjoining properties and warrant a reason for refusal. I am satisfied that the scale and setback of the proposal is such that it would not detract from the residential amenities of adjoining properties taking into account the orientation of the site and the relationship of the properties to each other.

7.2.4 The applicant, in an attempt to comply with the private open space requirements as set out in Section 8.2.8.4 (i) of the Development Plan for a five bedroom house, has proposed the main private amenity area to the side of the house, and bounded along Drummartin Close by a 1.8m privacy screen with landscaping. The siting of the house results in a narrow strip of land running along a section of the eastern boundary that is not considered functional private open space. Notwithstanding, in this instance I consider the location of the bulk of the private amenity space acceptable as it would be screened from public. Boundary treatment can be further addressed by condition if the Board considers a grant of permission forthcoming. The proposal results in sufficient private amenity space available for No.18 Drummartin Road. There is no information on file relating to the number of bedrooms at No. 18, however the private amenity area to be retained would exceed that required for a 4+ bedroom house.

7.2.5 It is considered that the proposed development, in terms of design, scale, height, provision and location of open space, boundary treatment and overall form and mass would not form a discordant feature on the streetscape or constitute overdevelopment of the site. The scale, mass and height of the proposed house would not have an overbearing impact when viewed from adjoining properties or the public road. The set back of the two storey elements from the site boundaries is sufficient to address the concerns raised in relation to the overshadowing impact on and would not detract from the residential amenities of adjoining properties, in particular, No. 18 & 20 Drummartin Road.

7.3 Access:

7.3.1 The appellant has raised concerns that a shared entrance off Drummartin Road would be visually unacceptable. I note that traffic safety issues were not raised in the grounds of appeal. The Applicant had been requested by Further Information to relocate the vehicular entrance to the minor road (Drummartin Close). The applicant instead submitted a revised proposal for a shared entrance off Drummartin Road at a point further removed from the signalised junction. This was assessed and deemed acceptable by the Council's Transportation Division.

7.3.2 Having regard to the speed of the road and the traffic generated by the proposed development, I do not consider that a shared entrance at this location would result in a conflict of traffic movements and is therefore acceptable.

7.3.3 In terms of visual impact I do not consider that the proposed entrance would form a discordant feature and detract from the streetscape.

7.4. Appropriate Assessment

7.4.1 Having regard to the nature of the proposed development and the location of the site in a fully serviced built up suburban area, 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

I recommend that permission be granted for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the scale and design of the proposed dwelling and the provision of the Dun Laoghaire County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would not be considered overbearing, would integrate in a satisfactory manner with the existing built development in the area, would not form a discordant feature on the streetscape and would adequately protect the residential amenity of adjacent property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10. 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 including samples 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. The flat roof elements of the property shall not be used as a terrace, balcony or for any similar purpose.

Reason: In the interest of residential amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. 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.

6. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- a) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings;
- b) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme

Reason: In the interest of protecting the character of the area.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

- 9 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.

Dáire McDevitt
Planning Inspector

14th May 2019