



An
Bord
Pleanála

Inspector's Report

ABP-303830-19

Development	House Extension and alterations to previously approved permission under Planning Reg Ref. No D16A/0111
Location	Site of 0.376ha to rear of 214-216 Rochestown Aveune, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1117
Applicant(s)	Killiney Premier Development Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Ian and Dorothy Roberts
Observer(s)	None
Date of Site Inspection	16 th May 2019
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site is an infill site to the south-west of Rochestown Avenue, Dun Laoghaire, Co. Dublin.
- 1.2. The site comprises of parts of the rear gardens of Nos. 214 and 216 Rochestown Avenue. A housing development consisting of 12 houses and 3 No. apartments is substantially completed on the site. The development is known as 'Auburn Green' and the showhouse is open for viewings at present.
- 1.3. The subject site has a stated area of 0.376 hectares and is accessed via an existing access that road parallel to the Auburn Lodge apartment development on the adjoining site.

2.0 Proposed Development

- 2.1. Permission is sought for the following:

Amendments to parent permission PA16A/01111/ PL06D.246572 comprising of

- Bike and Bin Store
- Apartment Block Nos. 12-14:

Elevation changes, extension in floor area to stairwell entrance lobby, removal of en-suite windows, reduction in height of second floor balcony and 3 No. rooflights in kitchen and en-suite of apartment 14.

- House No. 1:

Alterations to finish from natural stone and brick to painted render and brick, change of material from selected brickwork window reveals to selected stone window reveals.

Extension to second floor by additional 4.2 square metres

Additional rooflight in attic space.

- Changes to site boundary and landscaping

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to conditions. Condition 2 was as follows:

‘This condition does not relate to the (retention) of the two, first and second floor stairwell entrance lobby/ hallway extensions and window design changes on the stated east (side, south/southeast) elevation of the apartment block, and does not include the (retention) of the rooflight on the main stated south (rear, west/southwest) sloping roof of the apartment block.

Reason: In the interest of clarity and orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Report noted that the alterations to the apartments had already taken place but the public notices did not seek retention permission. As such, it was considered that these items could not be considered under this permission.
- There was no objection to either the bin and bike store or the alterations to the detached house.

3.2.2. Other Technical Reports

- Transportation: No objection.
- Parks Department: Concerns regarding open space provision and refusal recommended.
- Drainage Department: No objection.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- 3.4.1. Three submissions/ observations were submitted during the prescribed period and the issues raised are similar to the issues raised in the appeal.

4.0 Planning History

PLD16A/0111/ PL06D.246572

Permission refused by PA for 14 No. dwellings on this site. Granted on appeal to ABP subject to 15 No. conditions. Condition No. 2 (a) required that the public open space shall be increased by 213 square metres by means of expanding the planning application site boundary into the blue lined lands owned by the applicants to the north-east of the site.

D18A/0442

Permission granted for retention and completion of alterations to 10 semi-detached dwellings comprising of 49.5 square metres over 10 units.

D18A/0014

Permission refused for alterations to House Type B for 3 No. reasons.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoned as Objective A- to protect and/or improve residential amenity.

Section 8.2.8.2 (i) sets out standards for public open space.

5.2. Natural Heritage Designations

The closest Natura 2000 sites are Rockabill to Dalkey SAC (Site Code 003000), c.3km to the east and Dalkey Island SPA (Site Code.004172), c.3.1km to the east.

5.3. EIA Screening

5.3.1. Having regard to nature of the development comprising alterations to a residential development in a serviced urban area, 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 can be summarised as follows:

- The bin store will impact on the residential amenities of neighbouring properties and lead to a security risk.
- The bin store will diminish the amount of open space.
- The proposed changes to house No. 1 will diminish the quality of the main front elevation.
- The omission of the setback at second floor level will result in House No. 1 overbearing on No. 45 Auburn Road and No. 216 Rochestown Avenue.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- The Planning Authority Response stated 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

7.1. Having regard to the above and having inspected the site and reviewed all documents on the file, the following is my assessment of this case. The main issues are as follows:

- Design
- Impact on Residential Amenity
- Other Matters

7.2. Design

7.2.1. Two concerns are raised in the appeal regarding the design which relate to the external finishes and the overbearing impact of the proposed alterations to house No. 1.

7.2.2. Permission is sought to alter the external finish from a combination of natural stonework and brickwork to render and brickwork. The appellant considers that this would diminish the quality of the scheme. I noted on the site inspection that the front elevation has already been constructed of brick rather than the natural stonework permitted under the parent permission.

7.2.3. I note that the detached house is at the end of the road and the finishes of the other apartments and houses in the scheme consist of a combination of render and brick. As such, I consider that the finishes proposed and already in place are characteristic of this area and will not detract from the visual amenity of the area.

7.2.4. In relation of the overbearing impact, I note that no changes are proposed to the ground or first floors of House 1. It is proposed to extend the second floor by 900mm so that it is in line with the ground and first floors. This will extend bedroom No. 1 by a total of 4.2m². I consider that this is a very minor alteration and that it will have minimal impact on the overall scheme as it would make the second floor level with the ground and first floor. Having regard to the distance between the proposed development and neighbouring properties, I do not consider that the proposed alteration would have an overbearing impact.

7.3. Impact on Residential Amenity

- 7.3.1. The main issue raised in the appeal relate to security risks, the impact on the environment, and reduction in the quantum of public open space.
- 7.3.2. It is stated that the location of the proposed bin store makes it an obvious and significant security risk to the properties to the rear as it provides a potential access route to these properties and others along Rochestown Avenue.
- 7.3.3. Having regard to the proximity of the bin store to the access road and the layout of the bin store which is overlooked by the apartments and a number of houses, I am satisfied that there is sufficient overlooking to significantly reduce the security risk to neighbouring properties.
- 7.3.4. The main concerns regarding the impact on the environment relate to odour and vermin. Having regard to the small scale of the bin and bicycle storage area, I consider that the impact on the environment from odours and vermin is likely to be minimal if the area is cleaned and maintained on a regular basis.
- 7.3.5. I note that the planning report considers that *'the proposed bin and bike store location and design is acceptable and would not have significant negative impacts on amenities of the site or surrounding amenities. This is due to the relatively modest size in relation to the significantly larger overall shared amenity space, its set-back from the roadway, and its position restricted to one corner that would otherwise be partly overshadowed by the boundary walls, due to its orientation, and would be less useable as amenity space due to its positions facing the entrance roadway. This is also noting its enclosed nature and design, and its relatively low height.'*
- 7.3.6. In general, I would concur with the planning report. I note that the quantity of private open space was one of the main issues raised in the previous appeal on the site under 06D.246572. The Board granted permission subject to conditions including 2(a) which required that *'the public open space indicated in the drawings lodged with the application shall be increased by 213 square metres by means of expanding the planning application site boundary into the blue lined lands owned by the applicants to the north-east of the site.'*
- 7.3.7. Whilst, there will be some reduction in the quantity of public open space from that approved, having regard to the floor area of the building and its location in a corner of the site, I do not consider that it will unduly detract from the residential amenity of either neighbouring properties or intended occupants.

7.4. Other Matters

- 7.4.1. I noted on the site inspection that all the alterations proposed to the apartment block are already substantially completed or completed in full. The frame for the lowered balcony is in place but all other amendments are fully completed.
- 7.4.2. Permission was sought to change the finishes of House No. 1 from natural stone to brick on the front elevation. This change had already taken place on the site inspection.
- 7.4.3. The Planning Authority has omitted the changes to the apartments by Condition No. 2. I am satisfied that this approach is satisfactory as the developer would require new notices for retention and completion of any works already completed or under construction.
- 7.4.4. However, there is some ambiguity as the drawings for the apartments state completion and retention of first and second floor level 1.2m² extension in floor area to stairwell entrance lobby whilst the site and newspaper notices seek permission only.
- 7.4.5. The Board may consider it appropriate to require the developer to submit new notices for retention and completion of the development as an alternative to condition 3 below.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Loaghaire- Rathdown County Development Plan 2016-2022, the permitted development on the subject site and the pattern and extent of development proposed, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and 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. The proposed development shall comply with the terms and conditions of Planning Reg. Ref. No. D16A/0111/ An Bord Pleanála Reference No. PL06D.246572 which governs the overall development of lands of which the site forms part, save where amended by the terms and conditions herein.

Reason: In the interest of clarity.

3. The elements of this development which have already been completed or substantially completed including all amendments to the apartment block and the revised external finishes to House No. 1 are not hereby permitted and shall be the subject of a separate application on the site.

Reason: In the interests of clarity.

Emer Doyle
Planning Inspector

11th June 2019