



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304300-19**

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<b>Development</b>	Permission for retention of house and permission to construct a new dwelling.
<b>Location</b>	1 Rosemount Estate, Dundrum, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/1180
<b>Applicant(s)</b>	Karl and Frances Condron
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party V Grant
<b>Appellant(s)</b>	Bernadette Duffy
<b>Observer(s)</b>	None

**Date of Site Inspection**

26<sup>th</sup> July 2019

**Inspector**

Ronan O'Connor

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## **1.0 Site Location and Description**

1.1. The site is located on Rosemont Estate and is the side garden of No. 1. The existing house is the end house in a terrace of five houses. Rosemount Hall, a commercial building is to the west of the site and to the north-west are the rear gardens of Larchfield which is accessed off the Dundrum Road.

## **2.0 Proposed Development**

2.1. Permission for retention of house and permission to construct a new dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Grant permission. There are no conditions of particular note.

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the Planning Authority.

Points of note are as follows:

- Room sizes and accommodation proposed is considered to be acceptable.
- Design of the proposed dwelling is considered to be complementary to the design of the existing terrace.
- Gardens of both existing and proposed dwelling will comply with development plan standards.
- Considered that overlooking may result from the window of bedroom 3.
- Further Information was requested in relation to:
  - (i) Location of foul sewer
  - (ii) Alternative surface run off proposal
  - (iii) Revised window arrangements for Bedroom 3.
- Further Information was received on 6<sup>th</sup> March 2019 and was considered acceptable.

- Recommendation was to grant permission.

### 3.2.2. Other Technical Reports

Irish Water – Recommend Further Information

Surface Water Drainage - Further Information

Transport – No objection subject to condition

### 3.3. **Prescribed Bodies**

3.4. None.

### 3.5. **Third Party Observations**

3.6. Five no. objections were received. The issues raised are as follows:

- Impacts on amenity including loss of privacy
- Design of the corner window
- Location of existing public sewer
- Impact on stability of boundary wall

## 4.0 **Planning History**

4.1. None.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The operative Development Plan is the Dun Laoghaire County Development Plan 2016 – 2022.

5.2. The subject site is zoned A: “To protect and/or improve residential amenity.” The following policies and objectives are of particular relevance:

- Chapter 8 refers to Principle of Development
- Section 8.2.3.4 (v) refers to Corner/Side Garden Sites and Section 8.2.3.4 (vii) refers to Infill Sites

### **5.3. Natural Heritage Designations**

5.3.1. None.

### **5.4. EIA Screening**

5.4.1. Having regard to nature of the development comprising a dwelling and the urban location of the 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**

6.1.1. A Third Party Appeal has been received from Bernadette Duffy, 2 Larchfield, Dundrum Road, Dublin 14. The Grounds of Appeal are summarised below

- No objection to the building of the house.
- Object to the north-west window of Bedroom 3 as shown in the first floor plan.
- Would overlook appellant's property and result in loss of privacy.
- Suggest the installation of a velux roof light.
- Obscured glass could be replaced with clear glass.
- Also object to the west facing portion of the corner window of the master bedroom.
- South facing portion could be enlarged to compensate for any loss of light from the west.

### **6.2. Applicant Response**

6.2.1. The First Party response to the Third Party Grounds of Appeal is summarised below:  
Bedroom would benefit from some natural westerly light.

- Submission to Local Authority maintained the obscured glazing and rose the cill level.

- West-facing corner window was not an issue for Dun Laoghaire-Rathdown County Council.
- Would be extremely difficult to view No. 2 Larchfield from this window/may be a small view of the rear boundary from the corner of the internal sill.

### 6.3. **Planning Authority Response**

6.4. Refer to planner's report.

### 6.5. **Observations**

6.5.1. None.

### 6.6. **Further Responses**

6.6.1. A Further Response was received from the Third Party Appellant, which is summarised below:

- Strongly object to the two windows.
- Will result in loss of privacy.
- Window is in fact very near.

6.6.2. A Further Response was received from the Planning Authority which refers the Board to the original planner's report.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows: -

- Nature of Development/Principle
- Impact on Neighbouring Residential Amenity
- Other Issues
- Appropriate Assessment

### 7.2. **Nature of Development/Principle**

- 7.2.1. In relation to the nature of the development, the development description refers to the retention of the existing dwelling as well as the construction of a new dwelling. It is clear from the application documents that the development is solely for the construction of a new dwelling in the side garden of the existing dwelling and that permission for the retention of the existing dwelling is not being sought.
- 7.2.2. In relation to the principle of development, the site is zoned Objective 'A' Residential where such residential development is permitted in principle.

### 7.3. **Impact on Neighbouring Residential Amenity**

- 7.3.1. The Third Party Appellant, who resides at No. 2 Larchfield, Dundrum Road, Dublin 14, to the north-east of the proposed dwelling, has raised the issue of overlooking from the north-west window of bedroom No. 3 on the first floor and from the corner window at first floor level.
- 7.3.2. The First Party states that the north-west window of Bedroom No. 3 is both high level and obscured, and no overlooking will result from same. It is also contended that there will be no overlooking from the corner window.
- 7.3.3. I note that the rear boundary of No. 2 Larchfield is a minimum of 7.5 m from the proposed side (north-west elevation) window at first floor level which serves bedroom No. 3. The rear elevation of the No.2 Larchfield is a minimum of 17m from the window, and does not face directly towards this window. I also note the window is proposed to be obscured. As such no overlooking of No. 2 will result from this window.
- 7.3.4. In relation to the corner window at first floor level, this has orientation west and south and does not face towards No. 2. As such no overlooking will result from same.
- 7.3.5. **Other Issues**
- 7.3.6. Design – The design is in keeping with the existing terrace and is in line with Development Plan guidance.
- 7.3.7. Residential Standards – The dwelling achieves the minimum standards in terms of floor area, room sizes and amenity space.
- 7.3.8. Drainage/Surface Water – I note the Drainage Division of the Planning Authority are satisfied with the details received at FI stage, and conditions were imposed in relation to same. I consider that a standard condition in relation to drainage/surface water is appropriate in this instance.



## 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, a new dwelling, within an established 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. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and its zoning for residential purposes, to the location of the site in an established residential 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, therefore, 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, as amended by the further plans and particulars submitted on the 6th day of March 2019, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority and Irish Water for such works and services.

**Reason:** In the interest of public health.

3. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

4. 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

5. 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 the 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.

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Rónán O'Connor  
Planning Inspector

26<sup>th</sup> July 2019