



An
Bord
Pleanála

Inspector's Report
ABP-304508-19

Development	Retention of alterations made to the two storey over basement, detached house permitted under planning application no. D17A/1076, decision date 7 February 2018.
Location	Bookville, 25 Stradbrook Lawn, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0154
Applicant(s)	Aidan & Kate Hsu
Type of Application	Retention
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Fay & Michael Gilmartin
Observer(s)	None.
Date of Site Inspection	7 th August 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a two-storey over basement detached house located on a relatively large site at 25 Stradbrook Lawns. Number 25, which is named Bookville is located at the south western end of a short residential cul-de-sac. Stradbrook Lawns consists primarily of a mix of detached and terraced two-storey houses which address a central area of public open space. There are a couple of single-storey bungalow type houses on entry to this housing development. The central public open space is well maintained and is characterised by a number of semi-mature trees. Stradbrook Lawns is located to the west of Stradbrook Road, circa 1.2 km to the south east of Blackrock Village and circa 2.2 km west of Dun Laoghaire.
- 1.2. The detached houses are distinctive through their large size, gable fronted asymmetrical roof (may be described as a 'catslide' roof), brick front façade, mock classic treatment around the front door and bay windows at ground floor level. The boundary treatments are either in the form of hedgerows or open plan.
- 1.3. The subject house has been redeveloped and is of a different design to its neighbours. The house is large with a two-storey gable fronted section projecting beyond the main body of the house which is also two-storey over a basement with hipped roof. A projecting two-storey bay is also provided to the front elevation.

2.0 Proposed Development

- 2.1. The subject development consists of the retention of several items that were constructed at variance to previous grants of permission under P.A. Refs. D17A/0002 and D17A/1076. These items include in summary:
 - Minor alterations to the footprint and height of the building.
 - Front façade changes include the replacement of a first-floor box dormer window with a two-storey projecting bay window with hipped roof over. The windows and doors are revised at ground and first floor levels.
 - Rear façade changes include revised windows on both levels and revised doors at ground floor level. The revised ground floor also includes a new window seat.

- North-west/ side elevation is revised to include revised window locations on ground and first floor levels, the omission of a 5.4 m long, high level window at ground floor level and the replacement with a vertical window over two levels with individual windows at ground and first floor levels.
- South-east/ side elevation is revised to include the relocation of ground floor windows/ door and to omit windows at ground and first floor levels.
- At roof level there are revisions to the location of rooflights as well as the rationalisation/ omission of a number of rooflights.
- The basement level has been increased by an additional stated 8.1 sq m.
- A new fence is provided to the side/ rear of the site along the eastern boundary consisting of a mix of 1.8 m high solid timber panel and 1.8 m high open trellis timber panel.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant retention permission subject to conditions. The conditions are standard referring to compliance with submitted details, development to be in accordance with previous permissions save for amendments, first floor south-east facing window to be permanently fitted with obscured glazing and the boundary treatment details to be revised with details submitted within three months of grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority report on file reflects the decision to grant permission subject to conditions.

3.2.2. Other Technical Reports

Drainage Planning – Municipal Services Department: No objection.

Transportation Planning: No objection subject to compliance with previous conditions under An Bord Pleanála Ref. PL06D.248888.

3.3. **Objections**

A single letter of objection was received. The issues raised included; the design of house being out of character with the existing form of development in the area, reduction in the width of a side passageway, relocated windows giving rise to overlooking, a proposed 'air to water unit' heat pump giving rise to issues of noise and boundary treatment being visually unacceptable.

4.0 **Planning History**

P.A. Ref. D17A/0002/ ABP Ref. PL06D.248888 refers to an October 2017 grant of permission for the demolition of an existing two-storey detached house with a stated floor area of 206.6 sq m and to construct a replacement two-storey unit on the site. The permitted house provided for five bedrooms and a stated floor area of 558.5 sq m.

P.A. Ref. D17A/1076 refers to a grant of permission for alterations to the previous grant of permission under P.A. Ref. D17A/0002. These alterations included a reduction in the basement area (from 185.2 sq m to 86.0 sq m), modifications and revisions to the floor area (ground floor increased from permitted 209.8 sq m to 227.0 sq m), omission of an external stairs to the basement level, omission of a chimney stack and revisions to permitted fenestration.

It is noted from the Planning File under P.A. Ref. D17A/1076 that an Enforcement File was opened by the Local Authority in relation to non-compliance with previous grants of permission under An Bord Pleanála Register Reference PL06D.248888 and under P.A. Ref. D17A/1076.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, Stradbroom Lawns including the subject site is zoned A 'To protect and/or improve residential amenity'. Residential development is listed within the 'Permitted in Principal' category of the zoning objective.

5.1.2. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 Development Management – with particular reference to section 8.2.3 Residential Development and 8.2.3.4 Additional Accommodation in Existing Built up Areas.

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The neighbour, who lives in the adjoining property no. 24 Stradbroom Lawns, has lodged an appeal against the grant of retention permission. The issues raised in the appeal are similar to those submitted to the Planning Authority by way of objection to the development and include:

- The Planning Authority assessment of the development was incomplete and did not have full regard to the character and design features of the area. Particular reference is made to having regard to the character of mature 20th Century residential developments and the location of the house within an 'estate based on the Garden City model' with very particular design features including the roof design.

- Specific design features of the subject development including the encroachment of the roof onto the adjoining site, provision of suitable separation between houses and design/ type of fenestration.
- Concern is also expressed about noise from a heat pump located in close proximity to the appellant's property.
- Include a list of conditions in the event that permission is to be granted; these include setting back part of the ground floor east extension by 1 m from the site boundary and the fitting of obscured glass in the family room, the utility room and en-suite at first floor east elevation.

6.2. Applicant Response

6.2.1. The applicant has provided a detailed response to the appeal and the following points are noted:

- The appellant has raised a number of issues that refer to previous grants of permission under D17A/1076 and PL06D.248888. The applicant identifies points of the appeal that they consider are outside of the scope of the submitted planning application including comments on the decision of the Planning Authority. There are a number of inaccuracies in the planning appeal.
- Although there are minor amendments to the height and footprint of the house, there is no issue with regard to encroachment from the development. Encroachment is from the appellants side and similar issues arise throughout Stradbroke Lawns.
- The revisions to the house will not give rise to overlooking, overbearing or overshadowing.
- An attempt was made to discuss the type of boundary fence proposed, however no agreement was made. The reason for a height of 2.5 m on the appellants side is due to a difference in ground levels between the two properties.
- The heat pump does not form part of the application as it was installed in accordance with Class 2 (d) of Part 1 of the Planning and Development Regulations 2001 (as amended).

- The list of conditions recommended by the appellant is considered to be unreasonable.
- The applicant has no objection to the Planning Authority conditions included with the grant of permission.
- The applicant has provided additional photographs and drawings to support their case.

6.3. **Planning Authority Response**

No further comment to make in addition to the Planning Report.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Impact on the Character of the Area and Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The development refers to the retention of a number of alterations made to an existing two-storey house that deviate from previous permissions under P.A. Ref. D17A/1076 and under An Bord Pleanála Register Reference PL06D.248888. The site is zoned A 'To protect and/or improve residential amenity' and residential development of the nature proposed is acceptable in principle.

7.3. **Impact on the Character of the Area and Residential Amenity**

7.3.1. There is a distinctive character to the Stradbroom Lawns residential area through the design of the houses and the extensive mature landscaping of the area. The subject house is unusual in that the original house on the site was demolished and replaced

with a unit of a different design type. However, it is considered that the replacement house integrates with the existing units immediately adjacent. The height, footprint and gable front of the unit are features that have regard to the existing character of the houses on Stradbroke Lawns.

- 7.3.2. The design of the constructed unit has significantly departed from what was permitted most recently under P.A. Ref. D17A/1076 in terms of fenestration and elevational treatment. I consider these alterations to be acceptable in terms of ensuring the protection of the established visual amenity of the residential area. The provision of a two-storey projecting bay rather than a box dormer is arguably a more sympathetic design approach to the existing form of houses here and similarly the increased separation between windows on the front elevation ensures a better visual integration. The alterations to the other elevations are acceptable and do not impact on the visual amenity of the area. The established character of Stradbroke Lawns will not be eroded by the retention of this development.
- 7.3.3. The windows in the side elevations (north west and south east) at first floor level are fitted with obscured glazing so that overlooking leading to a loss of privacy does not arise. The applicant has rationalised/ reduced the number of rooflights at attic level which reduces any perception of overlooking.
- 7.3.4. The issue of encroachment is a legal rather than a planning matter, however, it is not evident where such occurs. No part of the revised house overhangs into the neighbouring site and the issue is one of visual encroachment when viewing the subject house and its neighbour from certain angles on the public street. The subject development does not give rise to a negative visual impact through perceived encroachment.
- 7.3.5. The internal alterations to the house are acceptable and do not give rise to any concern; room sizes exceed minimum standards. The revisions to the basement are also acceptable and it is noted that although the floor area has increased, it is still less than what was originally permitted under An Bord Pleanála Register Reference PL06D.248888.
- 7.3.6. The issue of height of the boundary fence is noted and this is due to the variation in ground levels.

7.4. Other Issues

- 7.4.1. The provision of a heat pump is outside of the scope of the appeal as it does not form part of the subject application. The applicants indicate that it was installed under exempted development rights in accordance with the Planning and Development Regulations 2001 (as amended).

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022 and the 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 retained in its entirety in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All bathroom and en-suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p> <p>Reason: In the interest of residential amenity.</p>
Advisory Note:	<p>The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act, 2000 (as amended), a person shall not be entitled solely by reason of a permission to carry out any development.</p>

Paul O'Brien
Planning Inspector

21st August 2019