



An
Bord
Pleanála

Inspector's Report 304636-19

Development

The construction of a new two storey, two-bedroom detached dwelling with on-site car parking for two vehicles. The development will include all associated site development, drainage and landscaping works.

Location

Site to rear of 65 Albert Road Lower, Glenageary, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D19A/0194

Applicant(s)

John Curtin and Natalie Wallace

Type of Application

Permission

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

John Curtin and Natalie Wallace

Observer(s)

Anne Walsh and Mark Pettitt

Date of Site Inspection

7th August 2019

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains part of the private amenity space/ rear garden of no. 65 Albert Road Lower, Glenageary. No. 65 is a part single-storey/ part two-storey semi-detached house located on the eastern side of this residential road. This primarily residential area is located to the south of Sandycove and almost midway between Dun Laoghaire and Dalkey. The area is characterised by a mix of single and two storey houses in the form of detached, semi-detached and terraces. Many of the houses in this area have been extended, primarily to the rear.
- 1.2. To the east of the subject site are the rear gardens of no. 26 and 28 Dundela Park, which are large two-storey semi-detached houses.
- 1.3. There is a side laneway located to the north of no.66 Albert Road Upper and no. 66 is the attached unit to no. 65 forming the semi-detached pair. To the eastern rear of no. 66 is a detached two-storey unit, no. 66A, which is provided with private amenity space to the west. The subject development site is located immediately to the south of 66A. The laneway also provides access to another detached house located on the northern side.
- 1.4. The subject site is approximately 620 m north east from Glenageary DART station and 360 m south of Sandycove Road which is served by a number of bus routes.

2.0 Proposed Development

- 2.1. The proposed development consists of a new two-storey detached house located to the south of no. 66A and to the east of no. 65. The floor area of this house is given as 162.4 sq m. This will provide for two-bedrooms and a study at first floor level in addition to storage space, guest bathroom and an en-suite to the master bedroom. The ground floor level consists of kitchen, dining/ living area, sitting room, utility room, WC and storage provision. Off street car parking is indicated to the western side of this house with private amenity space located to the east; circa 95 sq m of private amenity is provided and an additional 7 sq m is provided in the north east corner in the form of a storage shed.
- 2.2. The design of this house can be described as contemporary with a mix of flat and mono-pitch roofs. External treatments appear to be a mix of brick/ stone and render.

There appears to be inconsistencies in the elevational drawings with regard to the finishes. Louvres are provided over first floor glazing over the entrance to the house on the front/ western elevation.

- 2.3. A key aspect to enable this development, is a swap in land between the owners of 66A and the subject site. This swap will provide private amenity space to the east of no. 66A which in turn will allow for an access to the western side of the subject site in addition to a vehicular/ pedestrian access to the rear of no. 65. A letter dated 20th March 2019, has been included on file from the landowners of 66 and 66A Lower Albert Road, giving consent for the swapping of land necessary for this development and they have also indicated their support for this development.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The Planning Authority decided to refuse permission subject to a single reason as follows:

'Having regard to the restricted nature of the site and its backland location, the orientation of the site, and the closely adjacent dwelling to the north boundary (No. 66a, Albert Road Lower), and the rear garden (of No. 64 Albert Road Lower) to the south boundary, it is considered that the proposed development, by reason of its overall size, height, bulk and massing; would represent overdevelopment of the site, would appear overly prominent and overbearing on the properties to the south and north in particular, and would have an overshadowing impact on the rear private amenity space of the property to the north, No. 66a, Albert Road Lower. It is considered therefore, that the proposed development would seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, would help set an undesirable precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.'

3.2. **Planning Authority Reports**

- 3.2.1. **Planning Reports**

The Planning report sets out the nature of the development and how the development complies with quantitative and qualitative standards as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 with regard to the provision of adequate private amenity space and separation distances. Overlooking leading to a loss of privacy was not foreseen. However, the Planning Authority decided to refuse permission due to impact on the residential and visual amenity of the area and undesirable precedent for similar developments in the area through overshadowing and overdevelopment of this site.

3.2.2. Other Technical Reports

Drainage Planning – Municipal Services Department: No objection subject to conditions.

Transportation Planning: Further information requested to demonstrate individual movements for each car using the two off-street parking spaces.

3.3. Prescribed Body Reports

Irish Water: No objection subject to condition.

3.4. Objections/ Submissions

A total of five letters of objection were received. The main issues raised included: Non-compliance with the Dun Laoghaire-Rathdown Development Plan with regards to backland development, the type of house on such sites, insufficient separation distances, overlooking leading to a loss of privacy, loss of sunlight, scale/ height of the proposed house and legal issue regarding construction on a shared boundary.

4.0 Planning History

4.1.1. **P.A. Ref. D17A/0527** refers to a 2017 decision to grant permission for:

1. The demolition of the rear wall of no. 65 Albert Road Lower and the demolition of an existing two-storey extension to rear. A single-storey outhouse was also to be demolished.

2. The construction of a new single and two-storey extension to the rear of no. 65.
3. The widening of an existing pedestrian entrance to provide for vehicular parking for two cars to the front of the house.
4. The provision of solar panels to the new pitched roof to the rear.
5. Internal and external associated works including new windows at first floor level to the rear of the existing house.
6. All associated site works.

These works appear to be complete.

- 4.1.2. The following refer to the neighbouring site to the north, no. 66 and 66A and are considered to be relevant.

P.A. Ref. D04A/1104 refers to a 2005 grant of permission for a two-storey mews dwelling to the rear of no. 66 with access from a laneway off Albert Road Lower. This development has been completed as no. 66A. It is noted from the elevational drawings and floor plans that the first-floor rear/ southern windows were to be fitted with obscured glazing.

P.A. Ref. D19A/0195 refers to a June 2019 grant of permission for the change of the site boundaries of the existing no.66 by way of a land swap agreement with the owners of no.65 Lower Albert Road and the alteration and extension of the existing mews house to comprise a new recessed entrance door and hallway, a single-storey lounge and flue, the extension of the existing living room at the ground floor level, the addition of a study and the extension of one existing bedroom at the first floor level and associated internal alterations and changes to each of the elevations and the relocation of the 2 car parking spaces to the end of the lane and all associated site development works.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, Albert Road Lower 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 this zoning objective.

5.1.2. Chapter 2 – 'Sustainable Communities Strategy' of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 includes section 2.1 'Residential Development'. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – *'Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas'*.

5.1.3. Under 2.1.3.4 'Policy RES4: Existing Housing Stock and Densification*' it is policy to:

- *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.*
- *Actively promote and facilitate:*
 - *conversion of existing housing stock to accommodate a larger number of households - principally by subdivision of larger-than-average family houses - in well serviced urban areas.*
 - *development of mews buildings and other infill accommodation which is in harmony with existing buildings.*

5.1.4. 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**

None.

5.3. EIA Screening

5.4. Having regard to nature of the proposed development comprising the provision of a new detached house in an area where foul water and potable water supply is available, 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. This is a first party appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for a new detached two-storey house on this site off Albert Road Lower. The following are the key issues identified:

- The proposed development would provide for a new detached house thereby maximising the potential of the site and ensuring the protection of the residential amenity of the area. The Dun Laoghaire-Rathdown County Development Plan promotes the densification of suitable sites.
- The house has been designed to a high architectural standard and in accordance with the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. Adequate room and private amenity space is provided.
- Potential impact on adjoining residential amenity has been considered with regard to overlooking through the provision of suitable separation and louvres over first floor windows where the set-back cannot be provided.
- The design is contemporary but will integrate with the existing houses in the area.
- The applicant notes that the reason for refusal included overdevelopment of the site even though the development complies with Development Plan standards.
- Whilst the development may be considered a backland development, pre-planning indicated that a two-storey house may be acceptable here and the adjoining development to the north consists of a two-storey house.

- A window in the west elevation is to be recessed and not be a corner window as per the Planner's report.

6.1.2. The following additional details have been provided in support of this appeal:

- A shadow analysis has been submitted demonstrating that the proposed development will not negatively impact on adjoining properties.
- Drawing 18103_AP_2-01 'Traffic Movement Into/ Out of Site' has been provided to demonstrate that vehicular movements can be safely accommodated.
- Drawing 18103_AP_4-01 'Amended Contextual Elevations' has been provided to demonstrate that the mono-pitch has been revised by a change in the pitch of the slope and the height is subsequently reduced by 460 mm. A reduction in the parapet upstand has also resulted in the reduction in height of the flat roof by 130 mm.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. Observations were received from two of the objectors to this development and no new issues were raised from what was previously submitted to the Planning Authority.

6.3.2. An observation was also received from the owners of no.66 and 66A Albert Road Lower. This outlines the history of the application and their support for the proposed development.

7.0 **Assessment**

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

- Principle of Development
- Design, 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 provision of a two-storey detached house on this site accessed to the south of a laneway off Albert Road Lower. 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. Design, Impact on the Character of the Area and Residential Amenity

- 7.3.1. The proposed house design is contemporary in style through the mix of flat and mono-pitch roof, mix of window types and variety in material finishes. The primary external finishes are 'selected brick finish' (details of the brick type and colour etc. are not provided) and 'render finish'. The mono-pitch roof uses a standing seam zinc finish. Louvres will be provided over a first-floor window directly over the front door on the western elevation, again providing a contemporary finish/ design to this house. The proposed house to have a given floor area of 162 sq m and a maximum roof height of 7.15 m; the highest point indicated is the top of the monopitch roof.
- 7.3.2. In support of the appeal, the applicant has provided revised elevations and the height of the house has been reduced to approximately 6.5 m. The flat roof element has been marginally reduced in height by 130 mm.
- 7.3.3. Infill development has been permitted in this area and by its nature the design has been of a more contemporary design than the existing houses on Albert Road Lower. The subject house has included contemporary features such as a mix of roof pitch, the use of a zinc roof and use of louvres to screen windows. The design of the house is considered to be acceptable and by reason of its location, I consider that it would assimilate well into the local urban landscape.
- 7.3.4. It is accepted that the development would have a significant visual impact when viewed from adjoining properties especially those to the east and south of the subject site; that is the nature of infill development to the rear of existing houses.
- 7.3.5. The Planning Report states 'that the proposed development is consistent with the quantitative (and qualitative) standards set out in Section 8.2.3.4(vi), and 8.2.8.4 of

the 2016-2022 Dun Laoghaire-Rathdown County Development Plan' with regard to the provision of adequate private amenity space and suitable layouts for backland housing. The Planning Report also considers that adequate separation distances are provided, and that privacy will not be adversely impacted upon. I concur with these assessments; adequate private amenity space is provided for this house and appropriate separation distances between first floor directly opposing windows are also provided for. The eastern first floor windows are slightly under 10 m from the boundary they face but are over 30 m from the rear windows of Dundela Park to the east, western windows provide for a 22 m separation and there are no windows on the northern or southern elevations at first floor level. Overlooking leading to a loss of privacy is, therefore, not an issue of concern.

- 7.3.6. Similarly, significant overshadowing of the appellants' properties is not foreseen. It is considered that the greatest impact from overshadowing will be on no. 66A and this is indicated on the submitted shadow diagrams submitted in support of the appeal. However, the submitted details do not indicate any great cause for concern with the most significant increase in overshadowing occurring in the afternoon in March and in September. It should be noted that the owner of 66A is in support of this development and wishes to further develop their own property. The proposed land swap will provide no. 66A with private amenity space to the east of the existing house.
- 7.3.7. The Planning Authority have accepted that overlooking is not an issue and that the general finish of the house is acceptable. The revised plans – Drawing no. AP_04_01 received by An Bord Pleanála on the 7th of June 2019, indicate that the overall height can be reduced to circa 6.5 m. This is a significant improvement on the originally proposed height, and I consider that 6.5 m is an appropriate height in this location without dominating the immediate area.
- 7.3.8. I would disagree with the reason for refusal with regards to overbearing '*on the properties to the south and north in particular*'. Submitted details indicate that the unit to the north, no 66A, will not suffer undue loss of light and the owner of this property has submitted support for the development. The owner of the property to the south, no.64, has not commented on this development which is circa 20 m to the north east of this house. More than adequate separation distance is provided to the house to the east. The issue of overbearing does not arise.

7.3.9. I also disagree with the comment regarding the setting of an undesirable precedent. Infill development is to be encouraged in accordance with 2.1.3.1 Policy RES1: Supply of Zoned Land and 2.1.3.3 Policy RES3: Residential Density of the Dun Laoghaire – Rathdown County Development Plan 2016 – 2022 and this is only possible in certain sites where sufficient land is available, access can be provided, and residential amenity can be protected. I consider that the subject site is suitable for such development. National and Local policy seeks to encourage increased densities/ appropriate infill development in close proximity to public transport and the subject site which is within 620 m of Glenageary DART station is considered to be suitable for such residential development. There is no basis, therefore, to the Planning Authority's contention that the development would represent overdevelopment of the site.

7.4. **Other Issues**

- 7.4.1. Drawing no. AP_2_01 received by An Bord Pleanála on the 7th of June 2019 clearly indicates that two car parking spaces can be provided off site and the submitted drawing demonstrates how these spaces can be accessed. Although not specifically addressed in the Planning Report, car parking for the existing no. 66A can be provided towards the eastern end of the laneway without impeding access to no. 67A on the northern/ opposite side of the laneway to no. 66A.
- 7.4.2. Reference has been made in the observation on behalf of Conor & Rosemary O'Reilly to the construction of a storage building along the boundary wall of the site and 26 Dundela Park. This is a legal matter and is not considered within the remit of this appeal.

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 give rise to a significant effect individually or in combination with other plans or projects on a 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.	<p>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 received by An Bord Pleanála on the 7th day of June 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The maximum height of the roof ridgeline shall not exceed 6.5 m measured above ground level.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>

4.	<p>The house shall be used as a single dwelling unit.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
6.	<p>Proposals for a name/house number shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the house name/number shall be provided in accordance with that agreed.</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>The bathroom windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.</p> <p>Reason: In the interests of residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>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.</p> <p>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</p>

	section 48 of the Act be applied to the permission.
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Paul O'Brien
Planning Inspector

22nd August 2019