



An
Bord
Pleanála

Inspector's Report ABP-304946-19

Development	Extension to existing tennis clubhouse including ground floor, single storey extension and the construction of a first-floor viewing terrace.
Location	Glenageary Lawn Tennis Club, Silchester Road, Glenageary.
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0298
Applicant(s)	Glenageary Lawn Tennis Club
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	John & Mary Miller
Observer(s)	None
Date of Site Inspection	25 th September 2019
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. Glenageary Lawn Tennis Club is located south of Dun Laoghaire with access to the south western side/ off Silchester Road. The area is predominantly residential consisting of large detached and semi-detached houses on generous plots. The houses on this side of the street are set back by circa 25 m from the roadside edge. The area is also characterised by mature trees.
- 1.2. Access to the tennis club is via a short stretch of laneway flanked by car parking on either side. The entrance is set back slightly from the street edge and the two-storey, gable ended clubhouse is circa 65 m from the roadside edge. The location of the clubhouse and entrance arrangement screen it from easy public view. Beyond the clubhouse are a number of full size and smaller sized courts. These are located behind the rear boundary of the houses on Silchester Road and Silchester Park to the south west. Other than from the rear gardens of these houses, the tennis courts are only visible from Silchester Crescent to the north west of the site, where the end court abuts a stone boundary wall. Flood lighting is provided for each of the courts and appropriate fencing is provided to prevent balls escaping the courts.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Ground floor, single storey extension to the rear and side of the 'Junior Room'
 - First floor viewing terrace accessible from the existing first floor reception room and over the proposed ground floor extension.
 - New windows and doors including a new window to the north-west elevation of the first-floor reception room.
 - New canopy/ flat roof porch over the main entrance door.
 - Associated works including painting, decorating, electrics and necessary drainage requirements.
 - All necessary landscaping.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to general conditions. Specific conditions relate to the provision of car and bicycle parking and that access/ use of the proposed first-floor terrace not be permitted after 22.00 hours.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report reflects the decision to grant permission. The Case Officer reported that a previous application under P.A. Ref. D96A/0832/ ABP Ref. PL06D.101863 included a condition that omitted a balcony to the rear of the clubhouse with a stated area of 28 sq m. The Case Officer considers the subject proposal to be acceptable subject to a time restriction on the use of this area.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to recommended conditions regarding the provision of suitable bicycle and car parking spaces.

Drainage Planning – Municipal Services Department: No objection subject to a single condition regarding the provision of suitable SuDS measures to serve the proposed development.

Parks and Landscape Services: No objection (email dated 13th May 2019).

3.3. Objections/ Submissions

Three letters of objection/ observation have been received. Issues raised include in summary:

- Support for the tennis club and for the development of amenities here.
- Noise levels to be limited to 30 decibels between 22.00 hours and 8.00 hours.
- Condition to prevent the licensing of the first floor and proposed balcony.
- Condition preventing the use of the proposed balcony after 22.00 hours.
- Concern about overlooking of adjoining residential properties from the proposed balcony.

- Potential for noise from the balcony area as people will congregate here.

4.0 Planning History

P.A. Ref. D08A/0278 and ABP Ref. PL06D.229377 refers to a December 2008 decision to refuse permission for the seasonal use (1st October to 31st March each) of a removable, inflatable, polyethylene domed structure for weather protection of three number tennis courts. The single reason for refusal referred to the size, form, material finish and proximity to boundaries being visually obtrusive, overbearing on neighbouring properties and would give rise to nuisance through noise. The development would adversely impact on the residential amenity of the area.

P.A. Ref. D96A/0832 and ABP Ref. PL06D.101863 refers to a February 1997 decision to grant permission for the demolition of an existing clubhouse and for the construction of a new two-storey clubhouse in this location. Condition 1 omitted a proposed balcony from this development. The omitted balcony had a stated area of 28 sq m and was directly accessed from the first floor area, it was likely to be used as an extension of a café/ bar area.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned F 'To preserve and provide for open space with ancillary active recreational amenities'. 'Sports Facility' is listed within a Permitted in Principle category. Surrounding lands are zoned A 'To protect and/ or improve residential amenity'.
- 5.1.2. The adjoining sites on Silchester Road are located within the 'Silchester Road Architectural Conservation Area' (ACA). The tennis club including the clubhouse is located outside of this designation.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The neighbours who reside in Chesterfield (aka St. Judes) 19 Silchester Road, Glenageary have engaged the services of LyonsKelly Architecture & Design to lodge an appeal against the grant of permission with specific reference to the following aspects of the development:

- Overlooking from the proposed first-floor window on the side elevation.
- The proposed balcony would give rise to overlooking and noise nuisance.

It is considered that these aspects of the development will negatively impact on the residential amenity of 19 Silchester Road and neither provide for much additional amenity or function for the clubhouse. It is requested that the window be conditioned to be fitted with opaque glazing, a privacy screen to be relocated and part of the proposed balcony to be omitted or made inaccessible.

6.2. Applicant Response

The applicant's have submitted a response to the appeal and the following points are made:

- Prior to the lodgement of the application, assessments were undertaken of potential negative issues. A cherry picker was used to ascertain if overlooking was an issue and it was found not to be. The rear of the house is circa 50 m from the proposed development.
- The balcony is proposed so as to allow for increased overlooking of the tennis courts, only two courts are visible at present.
- In addition to the issue of overlooking, noise is not expected to be an issue as the balcony is for spectators to view the courts, noise would disrupt the players.

- The appellants have proposed conditions in the event that permission is granted. These would not be acceptable as they would reduce the view of the courts which is the primary reason for the application.

6.3. Planning Authority Response

- 6.3.1. Suitable conditions have been provided to protect residential amenity and request that the decision to grant permission be upheld.

7.0 Assessment

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

- Impact on the residential amenity of the area
- Appropriate Assessment Screening

7.2. Impact on the residential amenity of the area

- 7.2.1. The proposed development will provide for a first-floor balcony which is accessed by external stairs. Alterations to the elevations at ground and first floor are proposed to facilitate the balcony. A window is to be provided in the side/ north west elevation. The balcony has a maximum depth of 2.9 m to the south west and 1.8 m on the north western side. A glass balustrade 1.1 m high is proposed around the side.
- 7.2.2. The primary issue raised in the appeal is impact on existing residential amenity in terms of overlooking and noise. The boundary to the side/ north west with no. 19 Silchester Road consists of a wall and there is extensive tree/ vegetation growth within this property that screens the rear garden from the view of the tennis club. The rear of the house is over 50 m from the proposed development and although the garden is only 5 m from the site, I do not foresee that the development will negatively impact on the residential amenity of the garden. A timber screen with an indicative height of 2.2 m and a planter in front, are proposed to provide for screening so as to prevent overlooking from the balcony and side window. Any potential for overlooking will be severely restricted by these measures. I note that similar screening and planters have been proposed for the south eastern side of the balcony to ensure that

the residential amenity of the house on that side, no. 21 Silchester Road, is also protected.

- 7.2.3. I note the comments of the tennis club with regards to the proposed use of the balcony and it appears that its primary use is for the viewing of the tennis courts whilst matches are in play. From the information provided, any noise will primarily come from the courts and not from the balcony area. I note the condition attached to the grant of permission by the Planning Authority, limiting the use of the balcony to 22.00 hours and this is appropriate. A similar condition will be attached to a grant of permission.
- 7.2.4. I note the condition attached to ABP Ref. PL06D.101863, requiring the omission of a proposed balcony area. From the floor plans submitted with this application (P.A. Ref. D96A/0832) it would appear that its primary function was associated with the first-floor area which appears to be a bar/ café/ common area and the floor area at 28 sq m has a larger useable floor area than is currently proposed. There was a potential negative impact on neighbouring residential properties that the current proposal does not give rise to.
- 7.2.5. The proposed development does not change the nature of the existing use on site and there is no intensification of use either. I note the report of the Dun Laoghaire-Rathdown Transportation Planning section and the recommended conditions with regard to car and bicycle parking; as there is no intensification of use, I do not consider these conditions to be necessary. The alterations to the clubhouse are considered to be visually acceptable.

7.3. **Appropriate Assessment Screening**

- 7.3.1. 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 open space/ recreational purposes, to the location of the site in an established urban area and to the nature, 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 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 submitted on the 2nd of May 2019, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Access to and use of the first-floor balcony shall be restricted to between 9.00 hours and 22.00 hours and shall not be used outside of these times.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Advertising structures/devices erected within the site shall not be visible when viewed from outside the curtilage of the site.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<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.</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>
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Paul O'Brien
Planning Inspector

11th October 2019