



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305372-19

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<b>Development</b>	First floor extension to house and construction of a house, widening of existing entrance and all associated site works
<b>Location</b>	2, The Avenue, Cypress Downs, Templeogue, Dublin, 6W
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0426
<b>Applicant</b>	S. Beggan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant</b>	John Grant
<b>Date of Site Inspection</b>	20.11.2019
<b>Inspector</b>	Anthony Kelly

## 1.0 Site Location and Description

- 1.1. The subject site is located at No. 2 The Avenue, Cypress Downs, Templeogue, Dublin 6W, approx. 0.8km north west of Templeogue village. The site contains a detached two-storey house with a single-storey area to the side, in a mock-Tudor style, with single-storey outbuildings to the rear. The site is a corner site which addresses The Avenue to the front/east and Cypress Drive to the side/north.
- 1.2. Other houses along The Avenue, The Close and The Walk to the south and south west, are similar in style and are a mix of detached, semi-detached and terraced units.
- 1.3. There is a footpath and grass verge to the east and north of the site. The site access is from The Avenue with the front boundary comprising a low brick wall and piers with a hedgerow. There is a higher brick wall to the side and rear along Cypress Drive with a leylandii tree line and additional vegetation along this boundary. There is a brick paved area within the front curtilage with grassed garden areas to both sides. A brick wall extends from the side of the house to the side site boundary. There are trees in the verge to the front and side as well as some trees within the site itself. The footpath along the northern boundary comes to an end at the rear boundary of the subject site.
- 1.4. The site has a stated area of 0.557 hectares. (This appears to be a typographical error with the correct area being 0.0557 hectares).

## 2.0 Proposed Development

- 2.1. The planning application was lodged with the planning authority on 05.12.2019 with further plans received on 29.07.2019. The proposed development is for a first-floor side extension to the existing house, the construction of a 3-bedroom detached house to the side, the widening of the existing entrance and all associated site works.
- 2.2. The house design was altered following a further information request.

2.3 It is proposed to widen the existing vehicular access to cater for both the existing and proposed houses.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority decided to grant permission subject to 15 no. conditions of a standard nature for a development of this type including surface water drainage, a tree bond, a restriction on the use of the house as a single unit, house numbering and construction practices. Condition 7 stated the widened vehicular entrance shall be 4.5 metres wide.

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

Planning Reports dated 05.02.2019 and 22.08.2019. Following the submission of the revised house design and entrance layout the Planning Officer considered that the proposed house would not detract from the amenities of the existing or adjoining properties or from the character of the area, would be in accordance with the County Development Plan and would be acceptable in terms of traffic impact.

##### 3.2.1. **Other Technical Reports**

**Parks & Landscape Services/Public Realm** – No objection subject to conditions.

**Roads Department** – No objection subject to conditions following an initial further information recommendation.

**Water Services** – The Planning Report states that the Water Services Section had no objection subject to conditions.

#### 3.3. **Prescribed Bodies**

Irish Water – No objection subject to conditions.

### 3.4. **Third Party Observations**

A third-party submission was received from John Grant, No. 11 The Avenue. No. 11 is approximately 50 metres to the south east of the site on the opposite of the road. The main issues raised can be synthesised as follows:

- The site is located on a dangerous corner/traffic hazard as a result of the widened entrance because of the proximity to the junction.
- The site size is inadequate to accommodate an additional house.
- The owner's van blocks views of other cars at the junction.
- A refusal precedent was set under SD06A/0529 for a similar development.
- The proposed development will ruin the visual amenity of the avenue.

A representation from Cllr. C. O'Connor was received by the planning authority supporting the objection.

### 4.0 **Planning History**

There has been no previous relevant planning application on site. The planning application referenced in the submission received by the planning authority is:

#### No. 11 The Avenue

P.A. Reg. Ref. SD06A/0529 — Permission refused on 18.08.2006 for the removal of extensions to existing house and construction of a two-storey detached house etc. 4 no. reasons for refusal refer to infringement of a building line; excessively close to a surface water sewer and watermain; overdevelopment of a restricted site and undesirable precedent.

## **5.0 Policy Context**

### **5.1. South Dublin County Council Development Plan 2016-2022**

The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity'. Residential development is permitted in principle under this zoning objective.

Housing Policy 17 states it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 3 – To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 5 – To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

Section 11.3.2 (Residential Consolidation) (ii) (Corner/Side Garden Sites) sets out criteria that should be met such as being of a sufficient size, design (building line and roof profile), architectural language and dual frontage.

The 'House Extension Design Guide' as published by South Dublin County Council.

### **5.2. Natural Heritage Designations**

None in the vicinity of the site.

### **5.3. EIA Screening**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The third-party appeal was submitted by John Grant, 11 The Avenue. It includes photographs and the main issues can be summarised as follows:

- Pedestrian hazard during school term to children crossing on this dangerous corner as a result of car parking, including the applicant's van, and intensification of this pedestrian hazard from the development.
- The revised house type looks like an apartment block.
- The site size is too small for an extension and a new house.
- Widening and intensifying the use of the entrance would possibly cause an accident.
- Safety concerns in constructing the proposed development.
- Request for an oral hearing.

### **6.2. Applicant Response**

The main points made can be summarised as follows:

- The appeal is considered to be vexatious and not based on an objective assessment of the proposed development. Dismissal of the appeal is requested.
- The development achieves the correct balance between maintaining residential amenities and densification of the area.
- The proposed house is compliant with Section 11.3.2 (ii) of the South Dublin County Council Development Plan 2016-2022.

- The proposed house is set back from both the existing house and the northern side site boundary, it maintains the existing building line and as it is located to the north of the existing house it will have no meaningful impact on existing residential amenity.
- 4 no. cars can be accommodated on-site and the separation provided allows the cars to enter and exit the site in a forward gear.
- There are no parking restrictions along The Avenue.
- The revised vehicular access location will not impact on the existing trees. Excellent sightlines are in place. The Roads Department indicated no issue with car parking or access arrangements.
- The revised house type as submitted as part of further information incorporates a simple hipped roof and, though while having a slightly different design form, fits seamlessly into the existing built fabric.
- There is no basis for claiming the site is too small to accommodate the extension and the proposed house.
- There are stark differences between the site subject of the current planning application and that refused under P.A. Reg. Ref. SD06A/0529. A further application on that site was also refused by the County Council and An Bord Pleanála (P.A. Reg. Ref. SD08A/0751 / ABP Reg. Ref. PL06S.232389) which was not referenced in the appeal documentation. Similar issues do not arise in the current application.
- Any variation in the form or character of the proposal from the existing streetscape would not be perceptible. It sits well within the streetscape, will have no negative impacts on neighbouring residents, provides appropriate accommodation standards, meets car parking requirements, the building line is largely met, side access is provided, achieves required private open space standards and the design and materials will offer a level of visual harmony and an interesting built form.

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

The planning authority confirms its decision and the appeal raises no new issues.

## 6.4. Observations

None received.

## 7.0 Assessment

The main issues are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of the Proposed Development
- Residential Amenity
- Traffic Safety
- Appropriate Assessment

### 7.1 Principle of the Proposed Development

7.1.1 The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity' under the South Dublin County Council Development Plan 2016-2022. Residential development is permitted in principle under this zoning objective. The Plan states, in Housing Policy 17 and within H17 Objective 3, that residential consolidation and sustainable intensification at appropriate locations will be supported. The development of corner garden sites within the curtilage of existing houses in established residential areas will be favourably considered.

7.1.2 I therefore consider that the provision of an additional house on the site within an established residential location is acceptable in principle.

### 7.2 Residential Amenity

7.2.1 The appellant submits that the site is too small to accommodate the proposed development and questions the design of the proposed new house.



- 7.2.2 The proposed site layout plan submitted with the initial planning application showed a clear distinction between the rear private open space areas allocated to both the existing and proposed houses. This separation is not as distinct in the proposed site layout plan submitted as part of the further information response. Notwithstanding, a private open space area of 94.8sqm is cited on this plan as being provided to the rear of the proposed house. This is well in excess of the minimum required 60sqm cited in Table 11.20 of the South Dublin County Council Development Plan 2016-2022.
- 7.2.3 The area to the rear allocated to the existing house is occupied by outbuildings, decking and a grassed area. Notwithstanding, given the extent of the open space to the rear, the minimum required 70sqm private open space can be provided.
- 7.2.4 The proposed house design was revised through a further information request. It does not replicate the mock Tudor design features of the existing streetscape, but it does have a similar height and roof profile and is to be externally finished with render. Subject to a compliance condition with regard to external finishes I do not consider that the proposed house will be out of character with the existing pattern of development along The Avenue or would be visually incongruous or obtrusive.
- 7.2.5 Further to Policy H17 Objective 5 the proposed development is not considered to impact negatively on the amenities or the character of the area.
- 7.2.4 I consider therefore, that the proposed development would not comprise overdevelopment of the site and that the proposed house would sit comfortably in the streetscape.

### 7.3 **Traffic Safety**

- 7.3.1 The existing vehicular access to the site is approx. 2.8 metres wide and located approx. 7.6 metres from the southern boundary of the site. It was initially proposed to increase this width to approx. 5.6 metres in a northerly direction i.e. widening towards the junction. Further information was sought by the planning authority, inter alia, for a revised site layout plan relocating the widened entrance further south away from the junction and showing car parking for 2 no. cars within the curtilage of each house. The response received showed a 4.5 metres width with the more southerly

vehicular access pier being relocated. The response was to the satisfaction of the Roads Department of the Council which recommended conditions including a 4.5 metres wide access and height limits to the front wall and piers. There is a common front curtilage area for car parking.

7.3.2 Traffic hazard and pedestrian safety was raised in the initial submission on the planning application and within the appeal documentation. The Roads Department of the Council did not raise any issue in relation to traffic or pedestrian hazard.

7.3.3 I do not consider that any undue hazard would arise from the proposed development. This is a typical vehicular junction in a residential area. It is noted that the vehicular access for No. 1, The Avenue, which is on the opposite side of the road, is located in closer proximity to the junction than the existing or proposed access at the appeal property.

7.3.4 I therefore consider that the proposed development would not increase any traffic or pedestrian hazard at this location.

#### **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location remote from any 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**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, and the nature and scale 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 and would not give rise to traffic hazard. 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 29.07.2019, 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. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

**Reason:** In the interest of visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

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

5. The applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

6. 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. The kerb and footpath of the public road at the vehicular entrance shall be ditched and widened at the developer's expense to the full width of the driveway entrance and to the satisfaction of the Planning Authority. Any gates shall not open outwards.

**Reason:** In the interests of pedestrian and traffic safety and the proper planning and sustainable development of the area.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

**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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Anthony Kelly  
Planning Inspector

29.11.2019