



An
Bord
Pleanála

Inspector's Report

ABP-305382-19

Development	Demolition of existing single storey store and garage and construction of a new two storey dwelling to the side of existing house.
Location	8 Woodside Drive, Rathfarnham, Dublin 14 (siding onto Woodside Grove).
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0437
Applicant(s)	Alan & Sinead Tierney
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Alan & Sinead Tierney
Observer(s)	Stephen Collins & Katherina McCaul John & Carina Staunton Mel & Mick Power
Date of Site Inspection	31 st December 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

1.1. The triangular appeal site with a stated area of 0.038 ha is located in the mature residential suburb of Rathfarnham on the corner of Woodside Drive and Woodside Grove. The site forms part of the side garden of No 8 Woodside Drive, a relatively large two storey detached dwelling with two vehicular entrances and a semi-circular driveway. The area is characterised by detached and semi-detached homes built circa 1930 and onwards. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission is sought for demolition of existing single storey store and garage (29sqm), and the construction of a new two storey dwelling (140sqm) to the side of the existing house, a new rear pedestrian entrance from Woodside Grove, along with associated site works. Vehicular access to the new house is via an existing gate on Woodside Drive. The application was accompanied by a cover letter and a Part V Certificate of Exemption.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason

Having regard to the restricted nature of the site and to the existing pattern of development in the area, it is considered, by reason of its scale, layout, design and position on the boundary adjacent to the public footpath, the proposed development would appear visually incongruous within its receiving environment. The proposed development is contrary to the provisions of Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas) (v) (Corner/Side Garden Sites) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would materially contravene the zoning

objective for the area which is 'to protect and / or improve residential amenity'. The proposed development would seriously injure the visual amenities and depreciate the value, of property in the vicinity, setting an undesirable precedent. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The **Case Planner** recommended that permission be refused for 1 no reason. The notification of decision to refuse permission issued by DLRCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Drainage Planning** – No objection subject to conditions relating to surface water.
- **Transportation** – No objection.

3.3. **Prescribed Bodies**

- **Irish Water** – No objection

3.4. **Third Party Observations**

- 3.4.1. There are two observations recorded on the appeal file from (1) Mel & Mick Power, No 11 Woodside Grove and (2) John & Carina Staunton, No 1 Woodside Grove. Issues raised relate to water pressure, surface water, vehicular traffic and parking on Woodside Grove, unsightly refuse bins, visual amenity, construction impact and blank gable wall to Woodside Grove.

4.0 **Planning History**

- 4.1. There is no evidence of any previous planning application or planning appeal on this site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*.

5.1.2. **Policy RES3: Residential Density** states that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change' (DoECLG, 2013).

5.1.3. **Policy RES4 Existing Housing Stock & Densification** states that it is Council policy to improve and conserve housing stock of the County, to densify existing built up areas, having due regard to the amenities of the existing established residential communities and to retain and improve residential amenities in established residential communities.

5.1.4. **Section 8.2.3.4(v) Corner / Side Garden Sites** states as follows:

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- *Size, design, layout, relationship with existing dwelling and immediately adjacent properties.*
- *Impact on the amenities of neighbouring residents.*
- *Accommodation standards for occupiers.*
- *Development Plan standards for existing and proposed dwellings.*
- *Building lines followed where appropriate.*
- *Car parking for existing and proposed dwellings.*
- *Side/gable and rear access/maintenance space.*
- *Private open space for existing and proposed dwellings.*
- *Level of visual harmony, including external finishes and colours.*
- *Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.*
- *Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.*
- *Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.*

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. The first party appeal was prepared and submitted by Delahunty & Harley Architects & Designers on behalf of the applicant and may be summarised as follows:
- The applicants have lived at Woodside Drive for 20 years. Their family have grown up and moved on and they now live alone in this large, detached which sites on a site of just under one third of an acre. They wish to downsize into the proposed new dwelling and a family member will move into Number 8.
 - The proposal complies with Section 8.2.3.4 (vii) Corner / Side Gardens Sites in terms of being subservient in size to the existing dwelling, minimal impact on the amenity of neighbouring houses, all areas are in excess of minimum design standards, the proposed dwelling is set back 1.1m from the existing dwelling, provision for at least three car parking spaces, pedestrian access onto Woodside Grove only, private open space of 60sqm proposed in accordance with minimum requirements, private open space to main house is 350sqm, materials harmonise with parent dwelling, considered set back and boundary treatment are detailed.
 - The existing entrance to the north of the site will be used for the new dwelling, whilst the other existing entrance will be retained for the existing dwelling. There is no new vehicular entrance required.
 - All areas, room sizes and widths are in excess of minimum requirements as set out in Quality Housing for Sustainable Communities; Best Practise Guidelines for Delivering Homes Sustaining Communities (2007)

- Reference is made to planning precedents; Reg Ref D18A/0810, D15A/0173, D07A/1643 and D05A/1429.
- Proposal provides an appropriate urban response to the provision of a new house on this corner site while imitating the features of the existing 1930s house. The appearance and massing of the proposed dwelling is a site specific architectural response. The dwelling is designed to allow the original house to be viewed clearly by leaving space between pitched roofs. Brick is used to reflect detailing of existing house but in a more contemporary way. Noted that the surrounding area has a lively mix of architectural styles. Photographs provided.

6.2. Planning Authority Response

- 150 Braemore Drive was granted retention planning permission under a different development plan (DLR County Development Plan 2004 – 2010). Under this plan the following policy as contained within the current DLR County Development Plan 2016 – 2022 did not apply “the proposed construction of new building structures directly onto the boundary with the public realm (including footpaths / opens pace / roads etc) is not acceptable and it will be required that they are set within the existing boundary on site.
- The other two sites included in the appeal statement along Landscape Crescent (no address given) which similarly appear to have been granted a while ago, have a grass verge, which helps separate the extension / dwelling from the public realm / highway. It is also noted the extension and house are in keeping with the existing built form / streetscape.
- Secondly, with regards to the design of the proposed dwelling, whilst the Development Plan seeks to avoid pastiche design, this does not prevent the proposed dwelling form being visually harmonious and sympathetic to the existing pattern of development, whether this be the design of the roof, the use of materials, or the siting of the house away from the adjoining neighbour so that it has its own contemporary setting and sits more comfortably within the streetscape.

6.3. Observations

6.3.1. There are 3 no responses recorded on the appeal file as follows:

- 1) Stephen Collins & Katherina McCaul, No 15 Woodside Drive – Support the applicants appeal against the refusal and refer to densification, Development Plan standards, building to boundary edge, value and lifetime needs.
- 2) John & Carina Staunton, No 1 Woodside Grove – Concern raised in relation to set back, visual impact, loss of side garden wall and construction impact.
- 3) Mel & Mick Power, No 11 Woodside Grove – Concern raised in relation to drainage, water supply, increased vehicular traffic / parking on Woodside Grove, blank gable wall, impact of pedestrian access to streetscape and impact on the amenities of neighbouring residents.

6.4. Further Responses

6.4.1. No further responses are recorded on the appeal file.

7.0 Assessment

7.1.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Corner / Side Garden Site
- Other Issues

7.2. Principle

7.2.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is to protect and/or improve residential amenity and where residential developments are considered a permissible use. Accordingly, the principle of the proposed dwelling house is acceptable at this location.

7.3. Corner / Side Garden Site

7.3.1. DLRCC in their reason for refusal state that the proposed development is contrary to the provisions of Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas) (v) (Corner/Side Garden Sites) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would materially contravene the zoning objective for the area which is 'to protect and / or improve residential amenity'.

7.3.2. With regard to Additional Accommodation in Existing Built-up Area I refer to Section 8.2.3.4 Part (v) Corner/Side Garden Sites (as set out in section 5.1.4 above) where it states that the sub-division of an existing house curtilage on a corner site will have regard to a number of parameters. I have considered these parameters and I am satisfied that:

- The proposal in terms of size, elevational treatment, design, layout and relationship with the parent existing dwelling and immediately adjacent properties has been well considered. I am satisfied that the proposed scheme is adequately subservient to the parent building and will not overwhelm or detract from same or the wider streetscape.
- Having regard to the design and location of the proposed dwelling I am satisfied that it will not impact significantly on the amenities of neighbouring residents by reasons of overlooking, overshadowing or loss of daylight.
- I am satisfied that the proposed dwelling meets the minimum accommodation standards for occupiers and the Development Plan standards for both the existing and proposed dwelling in terms of car parking and private open space.
- The proposed building line and set back is both appropriate and acceptable at this corner site.
- I do not consider side/gable and rear access/maintenance space to be an issue in this case.
- This is a compact site and I am satisfied that the modern design response avoids pastiche allowing the original house to be viewed clearly while respecting the principle architectural features of same. I am further satisfied that the scheme provides a level of visual harmony by reason of the proposed external finishes and colours.

- The side gable wall facing Woodside Grove is noted. Given the restricted nature of the site, a not uncommon characteristic of corner sites, set back from the side site boundary is not possible in this case. However, I consider the incorporation of the gable wall into the site boundary together with the new pedestrian access doorway onto / from Woodside Grove to the rear garden and the retention of all other existing boundary treatments to be acceptable in this instance.
- The use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance is not relevant in this case.

7.3.3. With regard to the specific objective for the site “*to protect and / or improve residential amenity*” I refer to the foregoing comments in relation to residential amenity. As documented this is a compact serviced urban site. The proposed dwelling reflects the character of the area and is compatible in relation to design and scale with adjoining dwellings in terms of proportions, heights and materials and represents an appropriate and reasonably sympathetic design response to the sites context. The private open space to serve the new dwelling is well considered without significant diminution of the amenity value of the principle dwelling. Further, as stated, the scheme will not result in any significant over shadowing of adjoining properties and will not result in an unreasonable loss of natural light to neighbouring residential properties.

7.3.4. Overall, I consider the sub-division of the existing house to provide an additional dwelling in this existing built up area to be acceptable. I am satisfied that the proposal complies with the parameters set out in Section 8.2.3.4 Part (v) Corner/Side Garden Sites of the Development Plan and that to permit same would not materially contravene the residential zoning objective for the site. It is recommended that the DLRCC reason for refusal be set aside.

7.4. **Other Issues**

7.4.1. **Traffic Impact** – I note the proposal that the existing house and the proposed new house would be served separately by one of the existing two vehicular entrances currently serving the site. Site plans submitted refer. Accordingly, the existing dual entrances mean that no new entrance is required for the proposed dwelling. Given

the urban location of the appeal site within an established residential neighbourhood I am satisfied that the vehicular movements generated by the proposed development would not have a material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area particularly taking into account the location and scale of the development. Accordingly, I am satisfied that the proposed development provides for a safe means of access to and from the site which will not result in the creation of a traffic hazard and that the proposed development would function satisfactorily from a traffic point of view.

- 7.4.2. **Property Values** – The scheme before the Board is for a new dwelling house in the side garden of an existing house, within a serviced urban area where such developments are considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. Therefore, the proposed scheme is not considered to be a bad neighbour in this context and I do not therefore consider that to permit this development would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal.
- 7.4.3. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the construction of a detached house in the side garden of Shanid 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.
- 7.4.4. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

- 8.1. It is recommended that permission be **GRANTED** subject to the reasons and considerations set out below

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dun Laoghaire Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, 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 or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. 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, 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. Details of the materials, colours and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and

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.

4. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity

5. 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

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. 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

Mary Crowley

Senior Planning Inspector

24th January 2020