



An
Bord
Pleanála

Inspector's Report

ABP-305772-19

Development	Construction of house
Location	Site to rear of 7 Booterstown Avenue, Booterstown, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0576
Applicant(s)	Sean and Aisling Canniffe
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Sean and Aisling Canniffe
Observer(s)	None
Date of Site Inspection	2 nd January 2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. This site has a stated area of 0.230 ha and comprises part of the site of No. 7 Booterstown Avenue, Booterstown. Co. Dublin.
- 1.2. No. 7 Booterstown Avenue is part of a terrace of 4 No. dwellings all of which are protected structures. The site is accessed from Grotto Avenue to the rear of the protected structure. Grotto Avenue is a mature residential area which is very mixed in terms of scale and design. The gardens of Nos. 3 and 5 Booterstown Avenue have previously been developed with a combination of a row of 5 terraced two storey houses and two detached two storey houses.
- 1.3. The layout of the site is somewhat unusual as it is narrow to the front with an existing coach house fronting onto Grotto Avenue and widens to the rear. The site boundary is directly adjoined to the west by Grotto House- a two storey residence formerly used as a school.

2.0 Proposed Development

- 2.1. Permission is sought to partly demolish the existing pitched-roofed garage that belongs to the Protected Structure (RPS No. 14) at No. 7 Booterstown Avenue and construct a two storey detached dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 2 No. reasons as follows:

1. Having regard to the bulk, scale and massing of the proposed development on a restricted site, in close proximity to adjoining properties to the north and south, it is considered that the proposal would constitute overdevelopment of the site, and would appear overly dominant and overbearing. The proposal would also cause overshadowing of the property to the north. The proposed development would, therefore, seriously injure the 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.

2. The proposed removal of much of the existing rear garage/ coach house structure, including its roof, would negatively impact on the character of the Protected Structure site, and would detract from the visual amenity and streetscape character of the area. It is considered therefore, that the proposed development would contravene Policy AR1 and Section 8.2.11.2 Works 'Protected Structures' of the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, seriously injure the 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 Authority report considered that the private open space provision was inadequate.
- It noted that the east and west elevations appear to be incorrectly shown.
- It considered that the existing coach house/garage/ shed structure positively contributes to the character of the existing streetscape and should be integrated into the scheme.
- It considered that the proposal would constitute overdevelopment of a restricted site, would appear overly dominant and overbearing and would cause overshadowing of the property to the north.

3.2.2. Other Technical Reports

Conservation Officer: No objection in principle but considered that the development should be revised in order to retain the coach-house structure including the pitched roof as proposed at pre-planning stage under PAC/503/18. The report states that *'we would not be supportive of the current proposals as they will result in the loss of essential architectural form and character of the coach house which helps to 'anchor' the proposed new dwelling. The coach house is also considered a structure of*

architectural and historic interest and forms part of the Protected Structure (as evident in OS Maps submitted at pre-planning stage; but not included here with the current application.'

Transportation: Further Information requested in relation to individual movements for off street parking.

Surface Water Drainage: Further Information required in relation to drainage.

3.3. Prescribed Bodies

Irish Water:

- No objection.

3.4. Third Party Observations

- 3.5. One objection was submitted to the Planning Authority which raised concerns in relation to density, impact on residential amenity and parking and traffic congestion.

4.0 Planning History

V/089/19

A certificate of exemption under Part V of the Planning and Development Act 2000, (as amended) was granted on the 3rd of September 2019.

PA D19A/0409/ ABP 305342/19

Permission refused by Planning Authority for demolition of Nos. 11, 13a, 13b and 13c Booterstown Avenue and construction of new two storey detached dwelling. Currently on appeal to the Board.

PA 07A/1635

Permission granted for two storey dwelling for new house to the rear of No. 3 Booterstown Avenue.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2016-2022

- The site is zoned as 'Objective A'- To protect and/or improve residential amenity.
- Parent dwelling at No. 7, Booterstown Avenue is a protected structure.
- Parent dwelling is located in Booterstown Avenue cACA but boundary of cACA doesn't extend as far as the site.
- Section 8.2.3.4(x) Mews Lane Development
- Chapter 6 Built Heritage Strategy
- Section 8.2.11 Archaeological and Architectural Heritage

5.2. Natural Heritage Designations

- None of relevance.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development which consists of an infill development in a built up urban area there is no 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

- The building is lower than surrounding buildings and has 105m² of private open space.
- Whilst there is some overshadowing of the property to the north, it is for a very limited period of time during the afternoons in the winter months.

- A report was submitted with the application by a conservation architect. She identified little remaining historic relevance that warranted the restoration of the garage/coach house.
- Should the restoration of the garage/coach house be essential, my client would be happy to revert back to the original scheme, arrange structural repairs and incorporate it into the proposed development.

6.2. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. **Observations**

- None.

7.0 **Assessment**

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

- Principle of Development
- Impact on Built Heritage
- Design and Scale
- Appropriate Assessment

7.2. **The Principle of the Proposed Development**

7.2.1. The proposed development involves the subdivision of the curtilage of an existing property, a protected structure at No. 7 Booterstown Avenue. At the outset it is of relevance to note that the subject site is zoned as 'A' with a stated land use zoning objective 'To protect and/or improve residential amenity.'

- 7.2.2. I note that both the Conservation Officer and the Planner have no objection to the principle of development at this location and I concur with this view. I note that similar development has previously been permitted within the curtilage of the adjoining protected structures at Nos. 3 and 5 Booterstown Avenue.
- 7.2.3. The development of appropriately designed infill housing would typically be encouraged in serviced areas such as this and such development is in line with national policy. The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009 acknowledge the potential for infill development within established residential areas provided that a balance is struck between reasonable protection of the amenities and privacy of adjoining dwellings, the protection of the established character, and the need to provide residential infill.
- 7.2.4. As such, I consider that the site is suitably zoned for residential development and I consider that the principle of development is acceptable at this location.

7.3. Impact on Built Heritage

- 7.3.1. I note that the parent dwelling at No. 7 Booterstown Avenue and the adjoining houses in the terrace of Nos. 3-9 are protected structures. The parent dwelling, the adjoining houses in the terrace and the adjacent areas on either side of Booterstown Avenue are located within the Booterstown Avenue candidate Architectural Conservation Area. The site itself is not within the Booterstown Avenue candidate Architectural Conservation Area.
- 7.3.2. I consider that the key question in this case in relation to the impact on built heritage, is whether or not the original coach house should be retained and renovated, or demolished.
- 7.3.3. Drawings were submitted at pre-planning stage which are included in the Conservation Officer's report which provided for the retention and renovation of the coach house. The Conservation Officer's report considers that the development should be revised to retain the coach house. The current proposal would see the removal of the pitched roof leaving only the walls of the coach-house upstanding.
- 7.3.4. I refer the Board to the context of the site which is very mixed in nature. Existing development on similar sites previously permitted within the curtilage of Nos. 3 and 5 Booterstown Avenue include a terrace of dwellings dating to the early 1990's and 2

No. modern detached two storey dwellings. Grotto House, a detached two storey brick fronted dwelling directly fronting onto Grotto Avenue which was previously in use as a school, straddles the rear garden wall of Nos. 7 and 9 Booterstown Avenue. A bungalow dating to the 1960's with velux rooflights is located to the rear of Nos. 11-13 Booterstown Avenue.

- 7.3.5. A Conservation Architect's report was submitted with the planning application. It is stated that the existing shed was constructed in and around the same time as the house and is modest in nature. It notes that the garage has been poorly maintained and the opening was enlarged 'very inappropriately' and an ill fitting garage door was installed. The report identifies a number of inappropriate interventions and concludes that the area of lane that bounds the shed has little architectural conservation merit and the shed no longer forms part of a series of buildings that may have had conservation merit due to the removal of structures directly adjoining it.
- 7.3.6. I note from the appeal that a similar coach house was demolished on the adjacent site to the north of the site. The appeal notes that the applicant is willing to retain the coach house, should the Board consider it essential and would arrange structural repairs and incorporate it into the proposed development.
- 7.3.7. My view on the matter is that the context of the site has changed significantly over the last 20 years by a combination of new development, the subdivision of the curtilage of protected structures and the loss of historic buildings. There is little remaining historic relevance that would warrant the restoration of the coach-house at this location. As such, I do not consider that the proposed development would have a negative impact on the architectural significance or integrity of the protected structure at No. 7 Booterstown Avenue or adjoining protected structures.

7.4. Design and Scale

- 7.4.1. The first reason for refusal by the Planning Authority relates to overdevelopment of the site, together with the bulk, scale, design and massing of the development on a restricted site and overshadowing of the property to the north.
- 7.4.2. I refer the Board to the context of the site and in particular to the adjoining site to the north. I consider that all of the sites on this side of the road are somewhat restricted

in area. I note that the current site has a stated area of 0.023ha. The proposed house has an overall stated area of c.159m² with a ground floor area of c.91m². I would refer the Board to the policy objectives contained in the current Development Plan and the National Planning Framework which seek to provide residential accommodation at more sustainable densities and to provide a more compact form within built-up areas. I note that the site is located c. 200 metres from the Booterstown Dart Station and as such higher densities would be encouraged in this location.

- 7.4.3. With regard to Development Plan standards and private open space provision, the relevant standards for mews development are set out in Section 8.2.3.4(x). I am satisfied that courtyard 1 and courtyard 2 would provide for private open space of a high quality. These areas total 62.8m² and exceed the private open space requirement of 48m² set out in the plan.
- 7.4.4. In terms of the impact on residential amenities and overshadowing of St. Anthony's to the north, I refer the Board to the 'proposed overlooking site plan and solar study' submitted to the Planning Authority. Whilst there does appear to be some additional impact during daytime hours in December, the drawings for June indicate that there is no additional impact. As such, I am satisfied that the proposed development would not unduly impact the amenities of adjoining properties in terms of overshadowing.
- 7.4.5. In terms of the design, I consider that the design has been carefully thought out at this location. The design proposed is modern with a ridge height of 5.9m. I consider that the partial retention of the existing garage walls will reduce the impact of the proposed development. I note that the site is located on a cul de sac and would not attract much passing traffic in any case. I refer the Board to the contextual elevation submitted with the application which indicated the low profile and limited visual impact of the proposed development. Overall, I am satisfied that the design has been carefully considered and can be assimilated into the streetscape on Grotto Avenue and make a positive contribution to the public realm at this location. In addition, I am satisfied that the proposed development complies with Development Plan standards and does not constitute overdevelopment of the site.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development which consists of a residential infill development in a fully serviced urban location, 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

- 8.1. I recommend a grant of permission subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the nature, extent 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 setting, character or heritage value of the adjacent Protected Structure, Number 7 Booterstown Avenue, would not seriously injure the residential amenities of adjoining property, would not give rise to traffic hazard, and 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. No access shall be permitted to any of the flat roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times

shall 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works or services.

Reason: In the interest of public health.

8. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Emer Doyle
Planning Inspector
13th February 2020