



An
Bord
Pleanála

Inspector's Report ABP306072-19

Development	Erect a new 3 bed detached house, construct new vehicular and pedestrian entrance, alterations to boundary walls, landscaping, drainage and ancillary works.
Location	1 Churchview Park, Killiney, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0536
Applicant(s)	Lisa and Derek McDonald.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Aidan O'Donoghue and others
Observer(s)	None
Date of Site Inspection	22 nd October 2020.
Inspector	Hugh Mannion.

1.0 Site Location and Description

1.1. The application site has a stated area of 0.034ha and comprises the side garden of number 1 Churchview Park, Killiney, County Dublin. Churchview Park is in Watson Estate which is a residential development predominantly comprising two storey semi-detached houses with front and rear gardens. The existing house at No 1 Churchview Park is a detached house. The application site is a triangle running along the side of the site at 1 Churchview Park and facing onto Churchview Avenue. The new access is proposed onto Churchview Avenue.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a new 3 bed detached house, construct new vehicular and pedestrian entrance, alterations to boundary walls, landscaping, drainage and ancillary works at 1 Churchview Park, Killiney, County Dublin

3.0 Planning Authority Decision

3.1. Decision – Grant permission with conditions. The planning authority attached 13 standard conditions.

3.1.1. Planning Reports

Initially the planning authority sought further information in relation to;

- Submit a revised roof design to better reflect the pattern of development in the area.
- Clarify the intended use of the second floor bearing in mind that additional bedrooms require addition private open space provision.
- Clarify if any works are required outside the application site boundary.
- There is a streetlight at the proposed vehicular entrance to the public road – submit proposal to avoid this.

- The boundary at the vehicular entrance should be reduced in height to 900mm for 1.5m.

3.2. The Planner's report assessed the submission of further information and recommended a grant of permission.

3.2.1. Other Technical Reports

3.2.2. **Transport Planning** section recommended a grant of permission subject to conditions.

3.2.3. **Drainage Planning (Surface Water)** reported no objection.

4.0 **Planning History**

Permission was previously refused in 2006 for a house on this site under PL06D.214193 for reasons related injury to residential amenity and overshadowing and overlooking of adjoining property.

5.0 **Policy and Context**

5.1. Development Plan

5.2. The proposed development is in an area zoned A "to protect and /or improve residential amenity" in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.3. Section 8.2.3.4 (v) of the County Development Plan states in relation to new houses in corner/side garden sites states;

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.

6.0 Natural Heritage Designations

Not relevant.

7.0 EIA Screening

7.1. Having regard to the modest scale of the proposed development and its location within an appropriately zoned and serviced area there are no likely significant environmental impacts arising therefrom.

8.0 The Appeal

8.1. Grounds of Appeal

- The proposed development comprises over-development of the site.
- The proposed development will give rise to traffic hazard and congestion in the area.
- The sewerage in the area is inadequate.
- An office use may be incorporated into the house.
- The proposed development will negatively impact on the privacy and light available to adjoining property.
- Permission has previously been refused by the Board on this site.

8.2. Applicant Response

The applicant responded to the appeal as follows;

- The current application was revised to address the issues raised in the previous refusal under PL06D.214193 and the FI request in the present case.
- The current application meets the private open space standards required in the County Development Plan.
- The present application respects the building line.
- The proposal will not be visually overbearing when viewed from adjoining property,
- The vehicular entrance has been amended to meet the requirements of the planning authority and will not give rise to traffic hazard.

- There is no commercial use proposed in the application.

8.3. **Planning Authority Response**

- No further comment to make.

8.4. **Observations**

- None

8.5. **Further Responses**

- None

9.0 **Assessment**

9.1. The planning issues in the present case are the principle of development on the site, impact on adjoining uses, traffic safety, availability of services, planning history.

9.2. **Principle of development.**

9.2.1. The proposed development is located within an area zoned A “to protect and /or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Housing is the primary form of permitted development in these areas and the proposed development complies with the zoning objective and is permitted in principle.

9.3. **Impacts on Residential amenity.**

9.3.1. Following the request for additional information revised plans were submitted by the applicant on the 17th October 2019 and drawing XT-D468-001FI is relevant in this regard. There are two small (about 600mm) ground floor windows on the eastern elevation facing onto the elevation of No 1 Churchview Park and serving a living room. There is a first-floor window (about 900mm) serving a landing also facing the gable of at No 1 Churchview Park. Because of the size and location of these windows they do not have the capacity to seriously injure the amenity of the adjoining property at No 1 Churchview Park.

- 9.3.2. The rear elevation faces south towards the rear of the adjoining site at 2 Watson Avenue. The ground floor elevation of the proposed house is 9.6m off that boundary and the first-floor elevation (and windows) is 13.7m off the joint boundary. The County Development Plan (Development Standards Chapter 8) states that a 22m separation distance will be maintained between opposing rear windows at first floor level. The proposed development provides this separation distance and the proposed development will not seriously injure amenity of 2 Watson Avenue.
- 9.3.3. The windows in the western and northern elevation overlook the public road and a small area of private open space within the application site, respectively. I conclude that these windows do not have the capacity to seriously injure the amenity of nearby residential property through overlooking.
- 9.3.4. The appeal makes the point that the proposed development will impact on the daylight available to adjoining property. Having regard to the application site's orientation north of the houses on Watson Avenue, the separation distance across the public road from houses on Churchview Avenue and the relationship with the adjoining house at 1 Churchview Park I conclude that no unreasonable loss of daylight to adjoining property will arise from the proposed development.

9.4. **Traffic safety**

- 9.4.1. The appeal makes the point that the proposed development would give rise to traffic hazard.
- 9.4.2. The planning authority in the request for additional information raised the issue of a lamp standard at the location of the proposed vehicular entrance. The applicant's revised drawing submitted as additional information moved the entrance to avoid the lamp standard.
- 9.4.3. The width of the vehicular entrance has been reduced to 3m at the request of the planning authority and the boundary wall was reduced to 900mm for a length of 1.5m on both sides of the new entrance. These amendments facilitate adequate sight lines on to the public road. The Transport Planning section reported positively on these amendments. Having regard to these factors I am satisfied that the new entrance will not endanger public safety by reason of traffic hazard.
- 9.4.4. In relation to the additional traffic loading arising from the proposed development which provides 2 on-site car parking spaces I consider that the proposed house does

not have the capacity to materially add to the traffic loading on the local road network in a manner as to give rise to traffic congestion.

9.5. Sewerage

9.5.1. The appeal makes the point that foul sewerage in the area is inadequate. Irish Water did not comment on the application.

9.5.2. The Planning Authority's Drainage Division reported no objection to the proposed development in relation to surface water drainage and I attach a condition in the draft order below requiring that the developer meets the planning authority's standards in this matter.

9.5.3. Notwithstanding the point made in the appeal and having regard nature of the proposed development as a single house I conclude that it does not have the capacity to materially impact on the foul water loading in the sewerage system in the area and I attach a condition in the draft order below requiring the applicant to agree foul drainage and water supply arrangements with Irish Water in advance of development.

9.6. Planning History.

9.6.1. The appeal references a previous decision of Board in PL06D.214193 to refuse permission for a house on this site in 2006. Having regard to the passage of time since that decision, to the changes in development plan policy in relation to additional houses on suburban sites, and the matters raised in the appeal and assessed above I conclude that the proposed development in this instance is acceptable.

9.7. Appropriate Assessment

9.7.1. Having regard to the modest scale of the proposed development, its location within an appropriately zoned and serviced area and the foreseeable emissions therefrom I am satisfied that 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.

10.0 Recommendation

10.1. I recommend a grant of planning permission.

11.0 Reasons and Considerations

11.1. The proposed development is in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development comprises an additional house is a side garden and it is considered, subject to compliance with the conditions set out below, that the proposed development will not seriously injure the visual or residential amenity of the area or give rise to traffic hazard, will accord with the zoning objective for the area set out in the County Development Plan and will, otherwise, accord with the proper planning and sustainable development of the area.

12.0 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 submitted on the 17th day of October 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>

4.	<p>Details of the construction and layout of the proposed off-street parking spaces and the entrance from the site to the public road shall be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety.</p>
5.	<p>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 commencement of development. This plan shall provide details of intended construction practice for the development, including, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<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>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<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</p>

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.

Hugh Mannion
Senior Planning Inspector

4th November 2020