



An
Bord
Pleanála

Inspector's Report ABP-306143 - 19

Development

Construction of a detached two storey, two-bedroom infill house of 102.6 sq with single storey element to side and front, to the side garden of an existing house. Construction of a new vehicular entrance to the front of the proposed dwelling and all associated ancillary site works including drainage, boundary treatment and landscaping.

Location

1 Woodlawn Park, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D19A/0716

Applicant(s)

Ruslans Uralovs

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Date of Site Inspection

29th January 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises the western garden of no.1 Woodlawn Park, a detached, single-storey house located on the corner junction site of Woodlawn Park and Mounttown Lower Road (R829). Woodlawn Park is a residential development located in Mounttown, approximately 850 m to the south west of the centre of Dun Laoghaire.
- 1.2. Woodlawn Park is characterised by two-storey detached houses, though a detached infill house has been developed within the residential estate. A number of the houses have been extended/ modified over time. Off-street parking is available for each housing unit, though significant amounts on-street parking was evident on the day of the site visit. The existing house on site is therefore unusual in that it is detached and is only single storey. The primary areas of amenity space are located to the front and western side of the house. The private amenity space to the rear/ north of the house is constrained by its depth and shape – less than 37 sq m is provided and depth reduces from a maximum of 4.4 m to 0.3 m. Off-street car parking is available to the front of the house.
- 1.3. The street falls to meet the Mounttown Road Lower, however the ground level of the site appears to be level and as such, the area of land to the west of the site is higher than the adjoining footpath. The boundary to the west and south consists of a dashed wall that is capped. There are a number of large mature trees to the rear of the site. To the north of the site is Engleberg Court, an apartment development and to the south on the opposite side of the street is another apartment development, Woodlawn House.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached, two storey house on the area of land to the west of the existing house on site. The proposed house to have a given floor area of 102.6 sq m and to provide for two bedrooms. A study with a given floor area of 6.2 sqm is also to be provided at first floor level. A new vehicular entrance and off-street car parking for one vehicle is proposed. Private amenity space to be located to the rear/ west and front/ south of the proposed house.

2.2. The proposed development will require the lowering of the ground level by circa 1.5 m on the eastern side of the site and dropping down to around 0.4 m along the western side. A wall is to be provided between the existing and new site. An electricity pole on the public footpath may require relocation to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

The proposed development, by virtue its design and siting, resulting in inadequate separation distances to its proposed boundaries and no rear private open space on a limited corner site would represent overdevelopment of the site, would result in a substandard level of residential amenity for future occupants of the proposed dwelling, and have a detrimental impact on the residential amenity of the neighbouring properties. The proposed development would depreciate the value of property in the vicinity, and if permitted, would set an undesirable precedent for similar development in the area. The proposed development would not accord with the provisions of Section 8.2.3.4 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding Additional Accommodation in Existing Built-up Areas, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning report reflects the decision to refuse permission for the proposed development. The Planning Authority Case Officer reported that whilst the site may be considered for infill development, the development as submitted '*..has not addressed the previous reason for refusal under D19A/0332 pertaining to design and visual impact, siting and separation distances, and private amenity space provision*'.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions.

Transportation Planning: No objection subject to recommended conditions.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to recommended condition.

4.0 Planning History

P.A. Ref. D19A/0332 refers to a July 2019 decision to refuse permission for a similar development on this site consisting of a detached, two- storey house located to the side garden of no. 1 Woodlawn Park, the construction of a new vehicular entrance and all associated site works. A single reason for refusal was issued:

'The proposed development, by virtue its design and sitting, resulting in inadequate separation distances to its proposed boundaries and no rear private open space, is considered contrary to Section 8.2.3.4 (v) (Corner/Side Garden Sites) and Section 8.2.8.4 – Private Open Space of the Dun Laoghaire Rathdown County Development Plan 2016 -2022. It is considered that the proposed development on a limited corner site would represent overdevelopment of the site, would result in a substandard level of residential amenity for future occupants of the proposed dwelling, and have a detrimental impact on the residential amenity of the neighbouring properties, and would set a poor precedent for similar type development in the area. It is considered that the proposed development would materially contravene the zoning objective, which is 'A', 'to protect and/or improve residential amenity', would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the 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 A, 'To protect and/ or improve residential amenity'. Residential development is listed within the 'Permitted in Principle' category of this zoning objective.

5.1.2. The Mounttown Road Lower is designated for a 'Proposed Quality Bus/ Bus Priority Route'. The site is also within a 'Boundary of lands for which a Local Area Plan will be prepared'.

5.1.3. Chapter 2 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Sustainable Communities Strategy' and the following are noted:

Section 2.1.1 Introduction:

'In accordance with National, Regional and local imperatives the majority of future population growth within the County needs to be accommodated in the Metropolitan urban area. The growth of future households in Dun Laoghaire-Rathdown will be accommodated using two quite different models, namely:

- Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas.*
- The creation of new residential/mixed-use sustainable communities at already identified greenfield growth nodes proximate to planned strategic public transport corridors'.*

Section 2.1.3.4 Policy RES4: Existing Housing Stock and Densification*. This section sets out the policy of the Council to improve/ protect existing housing stock and to encourage the densification of existing built-up areas. The following are noted as of relevance:

- 'Encourage densification of the existing suburbs in order to help retain population levels – by 'infill' housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc'.*

5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development', 8.2.3.1 'Quality Residential Design', 8.2.3.2 'Quantitative

Standards' and 8.2.3.4 'Additional Accommodation in Existing Built-up Areas' – (v) 'Corner/ Side Garden Sites'.

'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'.

In addition to the above, Section 8.2.3.4 (vii) 'Infill', Section 8.2.8.4 'Private Open Space – Quantity' and Section 8.2.8.4 (ii) 'Separation Distances' are noted as of relevance.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants have appealed the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development and have engaged the services of Hughes Planning & Development Consultants to prepare the appeal. The issues raised include:

- The development as submitted took full account of a previous decision to refuse permission, under P.A. Ref. D19A/0332, and was designed having regard to that decision.
- The development is suitable for the provision of an infill house on this corner site.
- The proposed development ensures the increased efficiency of serviced land within the Dublin Urban area and in accordance with Project Ireland 2040.
- The proposed development will not have a negative impact on the residential amenity of adjoining properties. This is assessed in terms of overshadowing, overlooking and overbearing.
- A precedent for similar development has been identified in the local area, P.A. Ref. D16A/0870 refers to a two-storey infill house at 24 Woodlawn Park.
- Request that the decision be overturned, and that permission be granted for this infill house.

6.2. **Planning Authority Response**

The grounds of appeal do not raise any new matters, so no additional comment is made.

7.0 **Assessment**

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

- Nature of the Development
- Impact on Residential Amenity
- Design and Impact on the Character of the Area
- Appropriate Assessment Screening

7.2. **Nature of the Development**

7.2.1. The proposed development consists of a detached, two-storey house located on part of the side/ western garden of no. 1 Woodlawn Park resulting in the loss of part of the private amenity area of this house. A new vehicular/ pedestrian access is proposed to serve the new house.

7.3. **Impact on Residential Amenity**

7.3.1. The proposed house will not negatively impact on adjoining properties in terms of overlooking leading to a loss of privacy or overshadowing leading to a loss of available daylight. The only window on the rear/ north elevation first floor level is to be fitted with an opaque window, therefore this will not give rise to overlooking of the property to the north of the subject site. Room sizes are acceptable and although the indicated plans indicate that a total of 2 sq m of storage can be provided, it should be possible to provide additional storage throughout the house including within the study room.

7.3.2. The provision of private amenity space is a major issue of concern and was listed as a reason for refusal by the Planning Authority. The proposed development provides for open space to the side/ west and front/ south of the new house. As per Section 8.2.8.4 'Private Open Space' – Quantity of the Dun Laoghaire-Rathdown County

Development Plan 2016-2022, open space is counted at that area of land behind the front building line of the house. For a two-bedroom house, a minimum of 48 sq m shall be provided and narrow strips of open space to be excluded from the calculations. The proposed house has an area of open space to the rear/ north that has a width of only 1 m and this is excluded from the calculations. The area of open space to the side/ west is circa 33 sq m. This is far short of the required 48 sq m. The existing house will lose nearly all of the area of open space to the side/ west of the house. The submitted plans indicate that a total of 53.6 sq m of open space will be provided. This figure is got from including a narrow strip to the east of the house and a difficult to access area of circa 10 sq m to the western side. The only useable area of open space will be that to the north and which consists of circa 36 sq m, which again is less than the development plan requirements. At present, the occupants of No.1 have access to the area of land to the side/ west of their house, which is useable open space that benefits from good sunlight from late morning to sunset. The area of open space to the north through its orientation and shape does not benefit from good sunlight penetration. The proposed development would therefore result in insufficient private amenity space for the existing and proposed houses.

- 7.3.3. I have noted the comments of the applicant with regards to the efficient use of serviced lands in the Dun Laoghaire area and whilst this development may provide for an additional house on such lands, this should not result in the reduction of residential amenity for both existing and future occupants of housing and potentially setting a poor precedent for similar development in this area.

7.4. Design and Impact on the Character of the Area

- 7.4.1. The Planning Authority included the design and orientation of the house on site as part of the reason for refusal. I consider the proposed house to be acceptable and is an improvement on the previous design that the Planning Authority refused permission for under P.A. Ref. D19A/0332. The design respects the established building lines and it will not dominate the streetscape on Woodlawn Park or Mounttown Road Lower. The contemporary design is appropriate for an infill house on a corner junction site. The upper level windows in particular provide for a suitable level of passive surveillance and prominence when viewed from the public street.

7.4.2. Whilst the design of the proposed house is considered to be acceptable, I agree with the Planning Authority that the proposal results in overdevelopment of the site due to the insufficient provision of private amenity space and lack of sufficient setbacks to adjoining boundaries. I have already identified that there is a shortage of useable private amenity space and whilst overlooking/ overshadowing are not issues of concern, the rear/ northern garden depth of only 1 m is significantly short of the specified 7 m for a single-storey house and 11 m for a two storey unit (Section 8.2.8.4 (ii) 'Separation Distances' of the development plan). The existing house will appear cramped on site through the narrow separation distance of only 1.8 m between it and the proposed house when viewed from the public street.

7.5. Appropriate Assessment Screening

7.5.1. 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 an European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reason and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and design would constitute overdevelopment of a limited site area, would result in the provision of inadequate open space for the proposed and existing houses and would be out of character with existing development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

February 2020