



An
Bord
Pleanála

Inspector's Report ABP 306415-20.

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| Development | Construction of a new detached two-storey dwelling to the side garden with new vehicular access to off street parking and ancillary site works. |
| Location | 32 Glen Lawn Drive, The Park Cabinteely, Dublin 18. |
| Planning Authority | Dún Laoghaire-Rathdown Co. Council |
| Planning Authority Reg. Ref. | D19A/0790 |
| Applicants | Hugh & Brian Mc Mahon |
| Type of Application | Permission |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellants | Mary & John O'Keefe |
| Observers | None |
| Date of Site Inspection | 6 th of March 2020 |
| Inspector | Siobhan Carroll |

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1.0 Site Location and Description

- 1.1. The subject site is located in the residential suburb of Cabinteely in South Co. Dublin. It is situated within the Park housing estate. The estate was constructed in the 1980's within the lands to the north of Cabinteely House. Cabinteely Park which spans circa 45 hectares is situated to the south of the housing estate.
- 1.2. The appeal site has a stated area of 0.056 hectares. It comprises the plot of no. 32 Glen Lawn Drive. Glen Lawn Drive directly addresses a linear greenspace which runs along a section of the vale of the Cabinteely stream.
- 1.3. The site is located at the corner of Glen Lawn Drive and Glen Close. The existing dwelling is a detached gable fronted dormer bungalow. The surrounding properties are of similar design. A new contemporary design dwelling has been constructed to the side of no. 28 Glen Lawn Drive. This dwelling is situated to the opposite end of the row of properties where the appeal site is located.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new detached two-storey 122sq m dwelling to the side garden with new vehicular access to off street parking and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was grant subject to 13 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority were satisfied with the proposed contemporary design of the dwelling which is similar to that of the dwelling granted at no. 28 Glen Lawn Drive under Reg. Ref. D17A/0739. They considered that it would be appropriate to mirror the layout the dwelling granted at no. 28 to provide

symmetry and better address the corner. It was concluded that the proposed development would be in keeping with the character of the existing pattern of development in the vicinity and is consistent with the provisions of Section 8.2.3.4 of the Development Plan.

3.2.2. Other Technical Reports

Surface Water Drainage – No objection subject to conditions.

Transportation Planning – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No objection subject to a condition that the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of the dwelling.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission/observation in relation to the application. The main issues raised are similar to those set out on the third party appeal.

4.0 Planning History

Reg. Ref. D09A/0262 – Permission was granted for a pedestrian Gate from Glen Close to the rear garden of no. 32 Glen Lawn Drive. The development was not carried out.

Reg. Ref. D08A/0384 & PL06D.229800 – Permission was refused for the subdivision of the site and construction of a two-storey detached dwelling with altered vehicular entrance onto Glen Lawn Drive and pedestrian gate to Glen Close. Permission was refused on the basis that the design of the development would be out of character with the pattern of development in the area and would seriously injure the visual amenities of the area.

Reg. Ref. D06A/1804 & PL06D.223662 – Permission was refused for the subdivision of the site and construction of a two-storey detached dwelling, with new vehicular entrance onto Glen Lawn Drive and pedestrian gate onto Glen Close.

Permission was refused on the basis that the design of the development would be out of character with the pattern of development in the area and would seriously injure the visual amenities of the area.

Reg. Ref. D04A/0284 & PL06D.207430 – Permission was refused for the subdivision of the site and construction of a two-storey detached fronting onto Glen Close and new front driveway to existing house. Permission was refused on the basis that the design of the development would be out of character with the pattern of development in the area and would seriously injure the visual amenities of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- 5.1.2. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.
- 5.1.3. Chapter 8 – Principle of Development
- 5.1.4. Section 8.2.3.4(v) – refers to Corner/Side Garden Sites

5.2. Natural Heritage Designations

- 5.2.1. None.

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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

A third party appeal was submitted by Mary & John O'Keefe. The issues raised are as follows;

- Condition no. 2 attached to the permission granted by Dún Laoghaire-Rathdown Co. Council states that “The proposed house shall be flipped such that it mirrors the permitted house at No. 28 Glen Lawn Drive” (D17A/0739).
- The appellants stated that they agree with the decision of the Planning Authority to grant permission. However, they have concerns that permission has been granted for an alternative dwelling in the absence of alternative plans submitted.
- It stated in Clause 1 that “the shared boundary shall be shown on the plans rather the elevations”. The appellants consider that the plans show the shared boundary wall attached to the original house, whereas the rear elevation indicates the boundary wall being attached to the new property.
- It is noted that the existing dwelling contains a door which opens into the side garden of the property. The appellants consider that new plans are required in order to adequately assess the proposals.
- The appellants request that the Hohiera trees planted on the site along the rear boundary be retained and that they be replaced should they be damaged during construction.
- It is noted that the permission granted under Reg. Ref. D17A/0739 for a dwelling to the side of no. 28 Glen Lawn Drive a condition specified that the mature hedging be retained. The appellant's state that this has not occurred.
- The appellant's have concern that the absence of the mature Hohiera trees there is potential for overlooking from the rear bedroom window of the proposed new dwelling towards the front bedroom of no. 1 Glen Close.
- The appellants also refer to the following matters which were raised in their observation to the Planning Authority. The retention of the boundary wall

between the site and Glen Close, parking of vehicles on Glen Close, restriction of construction work to certain hours and the completion of construction and site works within a reasonable timeframe.

6.2. Applicant Response

A response to the third party appeal was submitted by MRD Architecture on behalf of the applicants Hugh & Brian McMahon. The main issues raised are as follows;

- The Planning Authority sought that the site plan arrangement of the dwelling be flipped. This can be readily achieved on the site without giving rise to any additional impacts.
- In the context of the application for a single dwelling, the revised site plan arrangement would not be considered material in planning terms.
- The applicants have submitted a revised Proposed Ground Floor Plan (Drawing Ref GLD/PL-10A) as requested in condition no. 2 issued by the Planning Authority.
- The other issues raised in the appeal concerning boundary treatment, construction hours etc can be satisfactorily by condition. The applicants are amenable to such conditions being attach to a grant of permission should the Board deemed it appropriate.
- The applicants request that the Board grant permission for the proposed development subject to appropriate conditions.

6.3. Planning Authority Response

- 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.

6.4. Further Responses

A further submission was received by the Board from Mary & John O'Keefe. The issues raised are as follows;

- The revised floor plans omit the location of the side doorway in the existing dwelling into the side of proposed new dwelling.
- The appellants consider that it would be difficult to permanently subdivide the site when the doorway from the original dwelling would be located directly into the side of the new dwelling.
- It would be preferable to attach a boundary wall to the new dwelling during construction to create a side passage to the original dwelling and facilitate continued direct access via the existing side door. However, if this were carried out it is unclear if the side would be sufficiently large to accommodate the proposed dwelling.
- The required flipping of the original house design would result in an upstairs window to an en-suite bathroom which previously faced the existing dwelling would face no. 33 Glen Lawn Drive and no. 9 Glen Close. The appellants have expressed concern that this would impact upon the privacy of those properties.
- The appellants reiterated their concerns in relation to the removal of the Hohiera trees on site and also the other issues raised in their observation to the Planning Authority.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal submitted. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Design and impact upon residential amenity
- Appropriate Assessment

7.1. **Design and impact upon residential amenity**

- 7.1.1. It is also proposed to sub-divide the site at no. 32 Glen Lawn Drive and construct a detached two-storey dwelling to the southern side of the existing dwelling house.

Section 8.2.3.4(v) of the Dun Laoghaire Rathdown Development Plan 2016-2022 refers to development on Corner/Side Gardens. The matters to be addressed in determining this type of development include the design and layout, relationship with surrounding property, impact upon amenities of adjacent properties, achievement of satisfactory level of amenities for future residents and car parking.

- 7.1.2. The appellants have raised concern regarding the design of dwelling particularly the requirement by the Planning Authority to flip the site plan arrangement and the potential for overlooking of their property to the north-east and other neighbouring properties.
- 7.1.3. I note the planning history on the site where permission was previously refused on a number of occasions for a dwelling. The permission were refused on the basis that the development would appear cramped and out of character with the pattern of development in the area. Under Reg. Ref. D17A/0739 permission was granted for a dwelling to the side of no. 28 Glen Lawn Drive. The dwelling has been built and is situated at the opposite end of the row of dwellings from the appeal site. The house is two storey and detached. It features an asymmetrically pitched roof with a section of flat roof. This contemporary design dwelling is very similar to that currently proposed.
- 7.1.4. The subject dwelling features an asymmetrical pitched roof to the main section of the property with a two-storey flat roof section to the eastern side of the property adjacent to the boundary. The design includes a first floor balcony to the front of the dwelling serving the bedroom no. 2.
- 7.1.5. I note that the Planning Authority considered the having regard to the siting and design of the dwelling at no. 28 Glen Lawn Drive that the proposed dwelling could be assimilated into the streetscape. It was conditioned that the proposed house be 'flipped' such that it mirrors the permitted house at No. 28 Glen Lawn Drive. I would concur with the Planning Authority that the revision in the design would provide symmetry within the streetscape and would serve to successfully visually integrate it.
- 7.1.6. The appellants raised concern in relation to potential overlooking with the house design flipped. They noted the location of the en-suite window which would face to the dwellings to the south-east. I note that translucent glazing is proposed to this window which will prevent any undue overlooking.

- 7.1.7. The applicants have submitted a revised Proposed Ground Floor Plan (Drawing Ref GLD/PL-10A) as requested in condition no. 2 issued by the Planning Authority. This indicates the ground floor plan flipped. Should the Board decide to grant permission, I would recommend the attachment of a condition requiring the submission of revised plans and elevations indicating the proposed house 'flipped' such that it mirrors the permitted house at No. 28 Glen Lawn Drive to be submitted to the Planning Authority for their agreement prior to commencement of development on the site.
- 7.1.8. In relation to the proposed boundary arrangements the proposed development involves the subdivision of the existing site containing the existing dwelling. The appellants consider that the plans show the shared boundary wall attached to the original house, whereas the rear elevation indicates the boundary wall being attached to the new property. It is noted that the existing dwelling contains a door which opens into the side garden of the property. The appellants consider that new plans are required in order to adequately assess the proposals.
- 7.1.9. As per the revised plan submitted by the applicants with the appeal, Proposed Ground Floor Plan (Drawing Ref GLD/PL-10A) the proposed new boundary wall to subdivide the properties is attached to the existing dwelling to the front and rear. The side passage between the properties is therefore located within the site of the new dwelling. Access to the rear garden serving the existing dwelling would be provide directly from the rear of the dwelling. While I note that the existing door to the side of the existing dwelling would open out onto the passage way between the properties, I do not consider that this is a significant matter. However, should the Board consider it appropriate a condition could be attached require that the doorway to the side of the existing dwelling be removed and replace by a window.
- 7.1.10. The appeal refers to the location of the mature Hohiera trees along the rear boundary of the site. The appellants request that the trees be retained and that they be replaced should they be damaged during construction. I note that as per the site layout indicated on the proposed ground floor plan it is proposed to retain the existing mature trees along the rear site boundary and the existing mature hedgerow to the front of the property. In order to ensure that these trees are retained or replace if damaged during construction, I would recommend the attachment of a condition addressing the matter should the Board decide to grant permission.

- 7.1.11. A new vehicular entrance is proposed to serve the new dwelling and it is proposed to relocate the existing vehicular entrance. The provision of separate entrances serving each property will ensure that one off-street car parking is provided to serve each dwelling.
- 7.1.12. Regarding private amenity space the existing dwelling would have a rear garden of circa 82sq m and the proposed dwelling would have a rear garden of circa 74sq m. As per Section 8.2.8.4 of the Development Plan a 1-2 bedroom dwelling requires a rear garden with a minimum area of 48sq m, a 3 bedroom dwelling requires a minimum of 60sq m and a 4 bedroom dwelling or large requires a minimum of 75sq m. The private open space provision for both existing and proposed dwelling are in accordance with Development Plan requirements. Accordingly, a satisfactory level of private amenity space has been provided for both dwellings.

7.2. Appropriate Assessment

- 7.2.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic 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. The proposed house shall be 'flipped' such that it mirrors the permitted house at No. 28 Glen Lawn Drive. Revised plans and elevations indicating this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site.

Reason: In the interest of visual amenity and to better address the corner.

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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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.

6. Tree planting shall be retained on the site. Any trees which are removed or become seriously damaged shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed with the Planning Authority.

Reason: In the interest of visual and residential amenity.

7. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development on the site.

Reason: In the interests of visual and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours 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 amenities of property in the vicinity.

9. 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, traffic management measures and off-site disposal of construction/demolition waste.

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

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

11. 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 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

14th of April 2020