



An
Bord
Pleanála

Inspector's Report ABP-306605-20

Development	New two-storey, four bedroom house to the side garden of no. 18 Drummartin Road. Works include demolition of existing single storey extension, garden shed and dividing wall, widening of existing vehicular entrance and all necessary site works.
Location	Dún Mhuire, 18 Drummartin Road, Dublin 14.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D19A/0868
Applicant(s)	Colm & Ger Foley
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellant	Donal Birthistle

Date of Site Inspection

7th May 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. Number 18 Drummartin Road, Dublin 14 comprises of a two-storey semi-detached house located on the northern side of this road, which is also designated as a Regional Road, R825. The site is located on a corner junction with Drummartin Close located to the east. This section of Drummartin Road is located on the western end of Kilmacud Road Lower. The existing house is provided with a flat roofed annexe/ extension to the eastern side and has the benefit of a large side/ rear garden. The subject site area is stated as 0.049 hectares.
- 1.2. Although located on a busy road, the area is primarily characterised by similar, two-storey semi-detached houses. There are some infill detached houses in the area such as to the east of the subject site/ opposite side of the street on Drummartin Close – no. 16A Drummartin Road.
- 1.3. As characteristic of the area, the boundary consists of a decorative block wall. Many of the houses in the area have hedgerows within the boundary wall providing for additional screening/ security.

2.0 Proposed Development

2.1. The proposed development consists of:

- The demolition of an existing single-storey extension to the eastern side of the house. Also, the demolition of a garden shed and a dividing wall to the rear of the house.

Total floor area to be demolished is stated as 34.55 sq m.

- The construction of a two-storey detached house providing for four bedrooms and a useable attic space indicated for storage use. Stated floor area of the proposed house is 214 sq m.
- Widening of the existing vehicular entrance and alterations to the existing drop kerb.
- All associated drainage, landscaping and necessary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. Condition no.2 requires the roof to be a full-hip profile and details to be submitted prior to the commencement of development, Condition no. 4 removes exempted development rights under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended and Condition no.5 restricts the use of the flat roof to the rear of the proposed house for use as a balcony, terrace or other amenity area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Report reflects the decision to grant permission. The proposed house design utilises a half-hip roof, however the Planning Authority Case Officer considered it more appropriate to provide for a full hip roof as is characteristic of the area. Regard was had to a previous decision to refuse permission in this location and as the bulk/ scale of the house is less than before, the proposal is considered to be acceptable in this location.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions regarding surface water drainage.

Transportation Planning: No objection subject to standard conditions.

3.2.3. Prescribed Bodies Report

Irish Water: No objection subject to conditions.

3.3. Objections/ Submission

- 3.3.1. Mr D Birthistle objected to elements of the proposed development, but not the principle of a house on this site. Issues raised are similar to those listed in the grounds of appeal and include:

- Reference the previous application on this site and whilst acknowledging the reduced footprint of the development, it remains inconsistent with the scale, bulk and pattern of development in the area.
- Request that the first floor building lines to the rear be realigned with the existing established building lines.
- The widening of the existing driveway will devalue the streetscape as it changes the established character of the area. Recommend that the vehicular entrance serving the new house be located to the rear of the house.

4.0 Planning History

P.A. Ref. D18A/0586/ ABP Ref. PL06D.303669 refers to a June 2019 decision to refuse permission for a two-storey, five-bedroom dwelling with converted attic and associated roof lights in the side garden of no. 18 Drummartin Road, D14. The single reason for refusal stated:

‘Having regard to the provisions of the Dun Laoghaire County Development Plan 2016-2022 and to the scale layout and design of the proposed dwelling the Board considered that the proposed dwelling would represent an overbearing and visually obtrusive feature on the streetscape and would constitute overdevelopment of the site 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. A ‘Proposed Quality Bus/Bus Priority Route’ is indicated along the Drummartin Road, to the front of the site.
- 5.1.2. The site is located within the designated area of the ‘Goatstown Local Area Plan 2012. The lifespan of this plan has expanded such that it will expire in April 2022.

Objective UD7 of the plan states: 'It is an objective of the Plan to promote the efficient use of land by facilitating higher densities within the Plan area in accordance with County Development Plan policy'. The following is stated under Section 4.4 Density of the plan: 'Infill development should be facilitated and encouraged where it can be demonstrated that the proposed development will positively enhance the streetscape and provide for a high level of visual interest while at the same time protecting established residential amenity'.

5.1.3. 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:

Section 8.2.3.4 (v) refers to Corner/Side Garden Sites. Such proposals shall be considered in relation to a range of criteria including having regard to the size, design, layout and relationship with existing dwelling and immediately adjacent dwellings.

Section 8.2.3.1 refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

Section 8.2.3.5 refers to the general requirements for residential development including habitable room sizes.

Section 8.2.8.4 (i) sets out the private open space requirements for private houses. A figure of 75 sq m is set out for a 4 bed (or more) house. Narrow strips of space along the side of dwellings shall not be included in the calculation. There is provision for a relaxation of the standard where an innovative design response is provided on site.

Section 8.2.8.4 (ii) refers to separation distances and the standard garden depth of 11 metres and in certain circumstance 7 m depths may be acceptable for single storey dwellings.

Section 8.2.4.9 refers to vehicular entrances and hard standing areas and that maximum width for entrance to single houses is circa 3.5 m.

5.2. National Guidance

5.2.1. Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009)

The Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and

appeals. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Development in residential areas where the character is established by density and/ or architectural design, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings in addition to the protection of established character, and the need to provide residential infill.

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Mr D Birthistle, of 20 Drummartin Road, has appealed the decision of Dun Laoghaire- Rathdown County Council to grant permission for a detached house to the side of no. 18 Drummartin Road.

The grounds of the appeal can be summarised as follows:

- States that he is not opposed to the development of an appropriately scaled house on this site.
- The proposed house is over scaled, bulky and is overbearing on the adjacent residential units.
- Queries the impact of the development on morning sunlight in winter and summer on their rear garden.
- The original proposal was for a separate driveway to serve the proposed house. The now proposed shared entrance is unsightly and will devalue properties in the area.
- It appears that the Planning Authority ignored the planning history on this site.

6.2. **Planning Authority Response**

6.2.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 **Assessment**

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

- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Design and Impact on the Character of the Area**

7.2.1. The site is zoned for residential development and having regard to the site area, there is sufficient space to develop a house here. I also note the policies of the Dun Laoghaire-Rathdown County Development Plan and the Goatstown Local Area Plan, which do not refer directly to this site, but do seek to promote increased residential development/ density where this is appropriate.

7.2.2. There are similarities between the subject development and that refused under P.A. Ref. D18A/0586/ ABP Ref. PL06D.303669, however there are a number of alterations to the design. The proposed house has a squarer footprint than the previous proposal and projects slightly further to the east providing for a separation of 1 m to the boundary, previously 1.27 m. There is a much reduced two storey element projecting beyond the established rear building line; the reduction is circa 2.7 m, and this significantly reduces the bulk of the house when viewed from Drummartin Close. The single storey element to the rear is also significantly reduced. The overall effect is to reduce the footprint and site coverage.

7.2.3. What is therefore proposed is a large two-storey, four-bedroom house that can provide for two car parking spaces in-curtilage and a useable garden to the rear with an area of circa 75 sq m. I note that to the east of the site is no. 16A Drummartin

Road. This is also a similar infill house and one which could be considered to break the building line on Drummartin Close. It is evident from the site visit and from aerial photography that infill housing of this type are prevalent in this area. The original large semi-detached houses in the area were generously provided with private amenity space and much of this has been developed on, in the form of new houses or significant extensions to existing houses. I do not foresee that the development of this site will impact negatively on the established character of the area and will actually strengthen the existing building line along the Drummartin Road at this point.

- 7.2.4. I note the conditions recommended by the Planning Authority in relation to the removal of exempted development rights; I consider this to be appropriate. I also note that it was conditioned that the roof be revised to a full hip rather than a half hip. This is also appropriate. Full hip roofs are a characteristic feature of the area and the provision of these will ensure integration with the existing houses in the area, in addition to reducing the bulky appearance of the roof. The roof as proposed is excessive for this house and the half hip roof does not reduce this appear. Some loss of usable floor space in the attic may occur, but considering the size of the house, this will not be significant.
- 7.2.5. The proposed material finishes are acceptable and will ensure integration with the existing houses. Final details can be agreed with the Planning Authority in the event that permission is granted.

7.3. Impact on Residential Amenity

- 7.3.1. The appellant raised a number of issues in relation to impact on their residential amenity. The proposed development does not increase the amount of overlooking leading to a loss of privacy. I do not foresee any impact regarding loss of daylight/sunlight in the summer. Any loss of morning sunlight in the winter will only affect no. 18 and in any case, the amenity value of such sunlight is negligible.
- 7.3.2. The proposed house provides for adequate room and floor areas. As noted, there is adequate private amenity space within the rear garden and the existing house will also retain adequate private amenity space.
- 7.3.3. I do not have a problem with the proposed driveway/ car parking area. A legal agreement may be required in relation to the accessing of this space, but from a visual point of view it is acceptable. The provision of pillars allows for the future

provision of gates here. I would not be in support of car parking to the rear of houses where this would result in the provision of substandard/ reduced private amenity space.

7.4. Other Issues

- 7.4.1. Irish Water and the Municipal Services Department – Drainage Planning reported no objection to this development subject to conditions. Surface water drainage can be accommodated on site, public water supply and foul drainage is available in the area.
- 7.4.2. Screening planting is proposed to reduce visibility into the rear of the site. It would be appropriate that details of this be agreed prior to the commencement of development, perhaps planting may be undertaken prior to the commencement of development of the house to ensure that screening is suitably developed before occupants move in.

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 granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale 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 residential or

visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th of November 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>The proposed development shall be amended as follows:</p> <p>(a) The roof of the house shall be revised to be a full-hip with a similar profile to that of no. 18 Drummartin Road.</p> <p>(b) Suitable measures be identified to screen the rear amenity space from the public road. Where planting is proposed here for this purpose, a detailed planting programme to be provided to ensure that can screen this space from view upon occupation of the house.</p> <p>(c) The widened/ shared vehicular entrance shall be a maximum of 4 m in width. Any proposed gates shall be inward opening only and not extend over the public footpath.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The flat roof elements of the development shall not be used as a terrace, balcony or for any similar amenity purpose.</p>

	Reason: In the interest of residential amenity.
4.	Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the existing or permitted house. Reason: In the interest of the amenities of the area.
5.	The house shall be used as a single dwelling unit. Reason: In the interest of clarity.
6.	Proposals for a name/house number shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the house name/number shall be provided in accordance with that agreed. Reason: In the interest of urban legibility.
7.	The bathroom windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable. Reason: In the interests of residential amenity.
8.	Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Reason: In the interest of visual amenity.
9.	Water supply and 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.

10.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<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>
13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
14.	<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 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</p>

	<p>be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Paul O'Brien
Planning Inspector

11th May 2020