



An
Bord
Pleanála

Inspector's Report ABP 306712-20.

Development	Detached two-storey dwelling to the side of no. 57 Rory O'Connor Park, new vehicular entrance, connection to all public services & all ancillary works.
Location	No. 57 Rory O'Connor Park, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D19A/0920
Applicant	Grainne O'Brien
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Grainne O'Brien
Observers	None
Date of Site Inspection	18 th of May 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 Dun Laoghaire in South Co. Dublin. It is situated in Rory O'Connor Park housing estate. The estate was constructed by the Local Authority in the 1960's. The area is characterised by two-storey terraced and semi-detached houses. Some of the terraces within the estate are arranged with staggered and angled building lines.
- 1.2. The appeal site is situated at the corner and has a stated area of 0.05 hectares. It comprises the north-western section of the plot of no. 57 Rory O'Connor Park. The existing dwelling on site is a two-storey end of terrace dwelling. There is a two-storey extension to the side of the dwelling. It is served by a small rear garden of circa 41sq m. The front of the property features low black painted railings and a gated vehicular entrance.

2.0 Proposed Development

- 2.1. Permission is sought to construct a two-storey detached house with a floor area of 128sq m. The development includes the provision of a new vehicular entrance, connection to public services and all necessary site works and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following 3 no. reasons.

1. Having regard to the location of the site on a prominent corner, the close proximity of the proposed two-storey dwelling to the site's front, rear and side (North) boundaries, and the proposed breaking of the building lines established by the properties to the south, and east, it is considered that the proposed two-storey dwelling would be inconsistent with the pattern of development of the area, would be visually obtrusive when viewed from the public domain/streetscape and adjacent properties, and would seriously injure

the character and visual amenities of the area. The proposed development would therefore seriously injure the character and visual amenities of the area. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity, and would help set an undesirable precedent for similar type development in the area. The proposed development would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the close proximity of the proposed two-storey dwelling to the site boundaries and to its positioning/layout, it is considered that the proposal, by virtue of its height, mass and design, would result in an overbearing impact on the adjacent property to the east. The proposed development would, therefore seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the inadequate provision of private open space to serve the existing dwelling on site, it is considered that the proposed development would be contrary to the provision of Section 8.2.8.4(i) Private Open Space for Houses in the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 for the area with respect to open space requirements and would result in a substandard development for the occupants of the existing dwelling house. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- In relation to private amenity space, it was concluded that the provision for the existing dwelling would be inadequate. Concern was raised regarding to the

proximity of the proposed dwelling to the site boundaries and the proximity to the neighbouring dwelling to the east no. 56. It was concluded that the development would have an overbearing visual impact upon no. 56. In relation to the siting of the dwelling relative to the existing pattern of development it was concluded that the proposed dwelling on a prominent large corner site due to its location and the large two-storey nature of the property would negatively impact on the residential and visual amenities of the adjacent site to the east and on the surrounding area and that it would have a negative visual impact on the streetscape and adjacent building lines.

3.2.2. Other Technical Reports

Transportation Planning – Further information sought in relation to the design of the proposed vehicular entrance and 2 no. car parking spaces.

Drainage Planning – Further information sought in relation to SuDS proposals.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one observation/submission in relation to the application. The issues raised refer to overshadowing, overbearing and loss of sunlight on the neighbouring garden. It was submitted that the proposal would have a negative visual impact and that it would negatively impact upon the value of neighbouring property.

4.0 Planning History

There is an extension planning history relating to the site which is detailed in the report of the Planning Officer. The most recent relevant application is;

PA Reg. Ref. D11A/0441 – Permission was refused for a two-storey end of terrace dwelling. Permission was refused for three reasons. The first reason for refusal referred to the proposed development being inconsistent with the pattern of development in the area and that it would be visually obtrusive and injure the

character and visual amenities of the area. The second reason for refusal stated that the proposed development would result in significant overbearing, overshadowing and perceived overlooking of the adjoining property to the east. The third reason for refusal referred to the inadequate provision of private open space to serve the existing dwelling and the proposed dwelling.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- 5.1.2. The site is zoned Objective 'A' 'To protect and-or improve residential amenity'
- 5.1.3. Chapter 8 – Principles of Development
- 5.1.4. Section 8.2.3.4 – refers to Additional Accommodation in built up areas
- 5.1.5. Section 8.2.3.4(vii) refers to Infill development
- 5.1.6. Section 8.2.3.4 (v) – refers to Corner/Side Garden Sites
- 5.1.7. Section 8.2.8.4(i) – refers to Private Open Space for Houses

5.2. Natural Heritage Designations

- 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 first party appeal was lodged by Plan 8 Architects on behalf of the applicant Grainne O'Brien. The main issues raised concern the following;

- The first reason for refusal refers to building line. It is submitted to the Board that as evident in the OS Map (drawing no. 01) provided with the appeal that the building lines throughout Rory O'Connor Park and the adjacent Faber Grove and Birch Grove are not consistent. The building lines are stepped in difference manners throughout the estate.
- It is noted that a similar corner site appears to have been developed as part of the original estate at the junction of Faber Grove and Rory O'Connor Park. The dwellings at this location are at a similar orientation to the current proposal and also two-storey. Therefore, it is submitted that the proposal cannot be considered visually intrusive as it would be consistent with an established pattern of development.
- In relation to the second reason for refusal which refers to the close proximity of the proposed dwelling to the site boundaries, the first party submit that details of existing development as indicated on the submitted OS Map. This it is argued indicates the close location of houses throughout the estate. The proposed dwelling is located 4.45m from the eastern boundary. No first floor windows are proposed to the eastern elevation to cause overlooking.
- As detailed on the submitted 3D image drawing, generous spaces are provided on both the eastern and western sides of the site. Therefore, it is submitted that the proposal is not contrary to the proper planning and sustainable development of the area.
- The third reason for refusal refers to the inadequate provision of private open space to serve the existing dwelling. Section 8.2.8.4(i) recommends that a minimum of 60sq m of private open space to the rear of a property is provided to serve a three bedroom dwelling.

- The proposal provides for an area of 55sq m behind the dwelling, however this does not include the portion of the garden provided to the side of the east and west of the dwelling. Section 8.2.8.4(i) of the Development Plan states, “Any provision of open space to the side of dwellings will only be considered as part of the overall private open space calculations where it is useable, good quality space. Narrow strips of open space to the side of dwellings will only be considered as part of the overall private open space calculations where it is useable, good quality space. Narrow strips of open space to the side of dwellings shall not be included within any of the above calculations.”
- It is submitted that the proposed side open spaces are not narrow in width. The proposed side garden areas are both in excess of 4m and provide a generous connection around the perimeter of the dwelling. Therefore, it is submitted that the proposed development is in accordance with Section 8.2.8.4(i) of the Development Plan.

6.2. Planning Authority Response

- No further comments

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 heading:

- Design and impact upon residential amenity
- Appropriate Assessment

7.1. Design and impact upon residential amenity

- 7.1.1. The subject site is located in an area zoned ‘A’ in the Dun Laoghaire-Rathdown Co. Development Plan 2016-2022, with the stated land use zoning objective ‘To protect provide and/or improve residential amenity’ wherein appropriate infill residential development may be provided in accordance with the principles of good design and the protection of existing residential amenity.

- 7.1.2. The proposed development involves the subdivision of an existing house plot and the construction of a two-storey detached dwelling on the corner site. Accordingly, having regard to the zoning of the site there is no principled objection to the proposed residential development of the site. However, having regard to the site location and limited site size it is necessary to establish whether it is appropriate to accommodate the subject development taking into account the relevant planning considerations.
- 7.1.3. The Planning Authority refused permission for three reasons. In their assessment of the proposal they considered having regard to the corner site location and the siting of the proposed two-storey dwelling that it would break building lines established by properties to the south and east which would be inconsistent with the pattern of development in the area and would be visually obtrusive within the streetscape. In respect of potential impact upon existing residential amenities the Planning Authority considered that the proposal would have an overbearing impact upon the neighbouring property. Furthermore, the Planning Authority considered that an unacceptable standard of private open space for residents of the existing dwelling would be provided.
- 7.1.4. In relation to the issue of building line, it is argued in the appeal that the dwelling would not be out of character with the building line because there is a mix of building lines within the estate. It is noted that a pair of semi-detached dwellings at the junction of Faber Grove and Rory O'Connor Park are set forward of the building line. I note this example, however I do not consider that it is directly comparable. The semi-detached houses adhere to the front building line of the neighbouring pair of semi-detached houses to the east which front onto Rory O'Connor Park. In relation to the building line along the eastern side of Faber Grove, I note that the side of dwelling on the corner is marginally set forward of the front building line of the pair of semi-detached houses to the south. Furthermore, I note that the building line along Faber Grove is staggered with each pair of dwellings setback further from their front boundary.
- 7.1.5. The proposed dwelling would be set forward 7m from the front building line established by the row of terraced properties to the east at Rory O'Connor Park which no. 57 forms part. The proposed dwelling would also be set forward over 8m from the front building line of the pair of semi-detached dwellings to the east no. 55 &

no. 56. The development of the proposed two-storey dwelling on this prominent corner site within the estate, sited close to the corner and set forward of the established building lines to the east and south on Rory O'Connor Park would appear visually obtrusive and out of character with the streetscape and pattern of development in the area. Accordingly, I would concur with the assessment of the Planning Authority in this regard.

- 7.1.6. The Planning Authority in the second refusal reason referred to an overbearing impact to the neighbouring property to the east no. 56 Rory O'Connor Park. The proposed two-storey dwelling is situated circa 13m from this neighbouring dwelling and is set forward circa 8m beyond the front building line of no. 56. Regarding the visual impact of the proposed development I consider having regard to the height and location of the proposed dwelling specifically the two-storey nature of the property and the proximity of the neighbouring property it would have an overbearing impact on the adjacent dwelling to the east.
- 7.1.7. The third reason for refusal refers to the inadequate provision of private open space remaining to serve the existing dwelling. The appeal refers to the private open space to serve the proposed dwelling, it does not address the private open space available to the existing dwelling no. 57.
- 7.1.8. Section 8.2.8.4(i) the Development Plan sets out the requirements for private open space. It is stated that all houses (terraced, semi-detached and detached shall provide an area of private open space behind the front building line. The minimum private open space requirement for three-bedroom houses is 60sq m and 75sq m is required for a four bedroom dwelling or larger.
- 7.1.9. The proposed dwelling contains 3 no. bedrooms, therefore a minimum of 60sq m of private open space is required. The private open space proposed to serve the new dwelling comprises an area of circa 65sq m to the southern side of the property and an area of circa 36sq m to the eastern side and rear of the property. This provides an L-shaped area of private amenity space to the side and rear with an overall area of 101sq m. Accordingly, a satisfactory level of private amenity space has been provided for the proposed dwelling.
- 7.1.10. The proposed development involves the subdivision of the plot of the existing property no. 57 Rory O'Connor Park. The existing dwelling is a two-storey and it has

been extended to its northern side. The proposed development would result in the loss of the large side garden. I note that as detailed in the report of the Planning Officer in the assessment of the previous application made on site under Reg. Ref. D11A/0441 that the existing dwelling is a four bedroom property and the area of rear garden which was proposed to be retained was circa 41sq m. The current proposal would similarly result in an area of circa 41sq m retained to serve the existing dwelling.

- 7.1.11. It is a policy of the Planning Authority, as set out in Section 8.2.3.4(v) of the Development Plan to ensure that adequate private open space is provide for both existing and proposed dwellings where the development of corner/side garden sites are proposed. The proposed development does not provide a satisfactory quantum of private open space for the existing dwelling in accordance with Section 8.2.8.4(i) of the Development Plan.
- 7.1.12. Accordingly, I would concur with the assessment of the Planning Authority that the provision of private open space is not of a standard to meet the development plan requirements or recreational needs of residents of the existing dwelling. Accordingly, I would therefore conclude that the proposed development would seriously injure the residential amenity of the existing property.

7.2. Appropriate Assessment

- 7.2.1. The 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 service 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 refusal of permission for the following reasons.

9.0 Reasons and Considerations

1. Having regard to the configuration of the site and the corner location of the proposed dwelling set forward of the established building lines of the adjacent dwellings and the design and form of the proposed dwelling, it is considered that the proposed development would appear overly prominent in this streetscape and result in an overbearing impact upon the neighbouring dwelling to the east. The proposed development would therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in an area for which the zoning Objective A is to protect and/or improve residential amenity as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022. It is a policy of the Planning Authority, as set out in Section 8.2.3.4(v) of the Development Plan to ensure that adequate private open space is provide for both existing and proposed dwellings where the development of corner/side garden sites are proposed. The proposed development does not provide a satisfactory quantum of private open space for the existing dwelling in accordance with Section 8.2.8.4(i) of the Development Plan. The proposed development would, therefore, seriously injure the amenity of residents of the dwelling, would contravene the policy set out in the Development Plan and would be contrary to the proper planning and sustainable of the area.

Siobhan Carroll
Planning Inspector

19th of May 2020