



An
Bord
Pleanála

Inspector's Report ABP306781-20

Development	Demolish a single storey extension and garage and erect a new two storey house with solar panels. The proposal will be forward of the existing building line, two vehicular accesses and pedestrian access.
Location	37 Patrician Villas, Stillorgan, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/728
Applicant(s)	Craig O'Rourke & Karleen Smyth
Type of Application	Permission
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party V Grant
Appellant(s)	Anthony McGarry
Observer(s)	Kevin Fitzgibbon
Date of Site Inspection	15 th May 2020
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0319ha and comprises a triangular site with two-storey end of terrace pebble dash house at 37 Patrician Villas, Stillorgan, County Dublin. It appears that the terrace was originally 4 houses long but a 5th unit has been added at the eastern (opposite) end of the terrace. The front garden provides a single car parking space and, along with the original house, the site accommodates a single storey extension and garage (both proposed for demolition). The rear garden is a maximum of 14m long along its boundary with the adjoining site at 38 Patrician Villas (see ABP306810-20).

2.0 Proposed Development

2.1. The proposed development comprises;

- a) The demolition of the existing single storey extension and garage,
- b) Erection of a two-bed flat roofed house,
- c) Provision of a single car parking space for the new house and existing house;

All at 37 Patrician Villas, Stillorgan, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission with conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report recommended a grant of permission as set out in the managers order.

3.2.2. Other Technical Reports

Drainage Department sought further information in relation to surface water drainage within the site. Following the submission of the further information the department reported (report dated 22nd January 2020) no further objection.

Transport Department reported no objections subject to conditions in relation to the width of the two new vehicular access points.

Irish Water Reported no objection.

3.3. **Prescribed Bodies**

No submissions

3.4. **Third Party Observations**

Kevin/Helen Fitzgibbon of 36A Patrician Villas objected on the grounds of impact on their property.

4.0 **Planning History**

The adjoining site at 38 Patrician Villas is the subject of an application for a single storey rear extension – appeal reference ABP306810-20.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. The proposed development is located 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;

5.4. 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.

5.5. Natural Heritage Designations

None relevant.

5.6. **Environmental Impact Assessment Screening**

5.7. Having regard to nature of the development comprising a single house located in a suburban area where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The dimensions on drawings are incorrect and the proposed new living room is 1.8m beyond the building line. Additionally, the driveway is 4m deep, not 4.2m deep.
- The proposed car park does not meet the Development Plan dimensions for car spaces as 2.4m by 8m.
- The proposed development does not comply with Part M or Part K of the Building Regulations.

6.2. **Applicant Response**

6.3. The applicant's response may be summarised as follows;

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6.4. **Planning Authority Response**

- None.

6.5. **Observations**

An observation s received from Kevin Fitzgibbon of 36/26A Patrician Villas, Stillorgan, County Dublin. In summary the observation states that;

- The proposed development will block daylight/sunlight to the observer's property.

- The proposed development is too close to the boundary and will overshadow and impact on the privacy of 36A Patrician Villas.
- The proposed development will devalue the observer's property.

7.0 Assessment

- 7.1. The proposed development comprises a new house in a side garden in an area zoned for the protection/improvement of residential amenity lands and therefore complies with the zoning objective for the site set out in the Dun Laoghaire County Development Plan 20016-2022.
- 7.2. In relation to side additional houses in side gardens in suburban areas the County Development Plan sets out a number of criteria that include the size, design, layout, relationship with existing dwelling and immediately adjacent properties and the impact on the amenities of neighbouring residents.
- 7.3. Patrician Villas is a mid-20th century housing development in the southern suburbs of the city accessed from Stillorgan Park. There has been significant housing, including apartment development in the wider area over the last two decades. Patrician Villas/Patrician Grove are a cul de sac off Stillorgan Park and while there has been infill and side garden developments in the immediate area these have generally adopted the pattern of two storey new houses or extensions with pitched roofs. The application site is a prominent corner site close to the entrance to the overall development from Stillorgan Park. The application site is the end of a row of 5 (originally four) houses where the pattern of development is two storey with pitched roofs. The gable end of 36/36A Patrician Villas faces into the site and across the site to a landscaped green/amenity area with a community centre.
- 7.4. The proposed house will be a new element in the streetscape and an argument can be made that a more traditional elevational treatment and roof profile would be more in keeping with the immediate area. Nevertheless, the area has not been designated for a particular architectural quality and a more modernist design is acceptable in the context.
- 7.5. Section 8.2.8.4 in the County Development Plan requires that three bed units have a minimum of 60m² private open space. The remaining rear garden attached to the

existing house at 37 Patrician Villas will be about 60m² and about 48m for the new house. This private open space provision is acceptable in the context of modest/infill development proposed.

- 7.6. The appeal makes the point that the dimensions on the application drawings are incorrect and the proposed development will not meet the standards set out in the technical guidance documents made under the Building Control Acts in a number of respects. The applicant rebuts this point and states that certification of compliance with technical guidance documents is a separate matter from the planning merits of the case.
- 7.7. Section 7.8 of the Development Management Guidelines (DOEHLG 2007) makes the point that generally the development management system should not be used to require compliance with other codes. Developers have separate responsibilities under the Building Control Act and subsequent technical guidance documents in relation to internal layout of space and standards. I conclude that the submitted drawings are adequate for the purposes of making a planning decision.
- 7.8. In relation to the observations made by the owner/occupier of 36A Patrician Villas that the proposed development would unreasonably impact on the amenity of that property it may be noted that number 36A was constructed in the side garden of the house at 36 Patrician Villas. The proposed house is 5.5m high and has been sited to maximise the setback from the shared rear boundary with 36A Patrician Villas. The rear windows are fitted with obscure glass which will minimise overlooking and I consider are a reasonable compromise between the development of a side garden house and the amenity of adjoining property.
- 7.9. In summary while recognising that the site is restricted the application has minimised the potential impacts on adjoining property and the proposed development will not seriously injure the residential amenity of nearby property or the visual amenity of the area.
- 7.10. **Appropriate Assessment Screening.**
- 7.11. Having regard to nature of the development comprising a single house located in a suburban area where public water mains and sewerage are available and in the absence of any significant environmental sensitivity in the vicinity/the absence of any

connectivity to any sensitive location, there is no real likelihood of adverse effects on any European site.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is located in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire County Development Plan 20016-2022. Having regard to the relatively modest scale of the proposed house it is considered, subject to compliance with the conditions set out below, that the proposed elopement would not seriously injure the residential amenity or depreciate the value of property in the vicinity by reason of height, scale or overbearing visual impact and that the proposed development and would otherwise be in accordance with the zoning objective for the area set out in the County Development Plan and 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. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. The disposal of surface water shall be in accordance with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

4. 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.

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

5. Site development and building works shall be carried out only between the hours of 0700 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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.

Reason: In the interest of visual amenity.

7. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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

15th May 2020