



An
Bord
Pleanála

Inspector's Report

ABP-307166-20

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| Development | Demolition of garden structures and construction of house to side of existing house. |
| Location | 83 Mount Eagle Drive, Leopardstown Heights, Dublin 18 |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D20A/0100 |
| Applicant(s) | Eric Leonard |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First-Party |
| Appellant(s) | Eric Leonard |
| Observer(s) | Mark and Marese Damery David and Olive Delaney |
| Date of Site Inspection | 13 th October 2020 |
| Inspector | Suzanne Kehely |

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Mount Eagle Grove and Mount Eagle Drive – an established housing development to the south of Leopardstown Road and between the Killgobbin Road and Murphystown Road. The houses are typically two storey semi-detached with a mix redbrick and rendered finishes. The subject site relates to a 78sq.m. semi-detached house on the south side of the pair and is at the southern end of a run of houses on the eastern side of Mount Eagle Drive before its junction with Mount Eagle Park.
- 1.2. Nos. 16, 14, 12 and 10 Mount Eagle Park (from west to east) back on to the southern side boundary of the site. The rear elevations of Nos. 16 and 14 presently directly face the gable end of the house. The gable end of No. 16 Mount Eagle Park aligns with building line along Mount Eagle Drive which includes the subject site.
- 1.3. The house site is about 10.5m wide as compared to the adjacent sites at around 8.5m. Presently the garden and small shed are screened by a wall from the road.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the following:
 - Demolition and removal of a small shed (2.31m high) and side screen wall (2.04m high).
 - Sub-division of the site.
 - Construction of a 80 sq.m. two storey two-bedroom houses to side in a modern contrasting style.
 - The design incorporates a side passage for rear access from existing and proposed dwellings.
 - The proposed rear garden would be reduced to around 12 x 5.6m . (the existing garden would be reduced to 5.495 m while retaining the depth at almost 18m.
 - Accommodation is proposed to provide an open plan living kitchen dining area with separate store and wc at ground level. Two bedrooms and bathroom are proposed at first floor. 7.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reasons:

- The proposed dwelling would by reason of its proximity to an excessive height along the shared boundary wall with no.14 and no.16 Mount Eagle Park, be visually overbearing when viewed from the rear of the said properties. The proposed dwelling would therefore seriously injure the residential amenities of these properties and as such would be contrary to the Objective A zoning for the site to protect and/or improve residential amenity. 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

The report refers to :

- Densification policy (section 2.1.3.4)
- Development plan guidance and policies on residential development standards (section 8.2, 8.2.3.1, 8.2.3.2)
- Section 8.2.3.4 regarding additional accommodation in built up areas.
- Section 8.2.8.2 regarding open space. Min of 48 sq.m. for a 2 bed.
- Section 8.2.8.4 regarding separation between houses.
- Sections 8.2.4.5 and 8.2.4.9 regarding car parking and entrances.
- Regional and National Policy as set out in Quality Housing for Sustainable Communities.
- Objections to development
- High quality of internal space
- Exceedance of private open space requirement at 75 sq.m.
- Adequate separation from opposing houses to rear.
- Absence of overlooking towards nos, 14 and 16

- Notwithstanding the design and massing, the northern elevation with parapet heights along the boundary of 4.7 to 6.5m would be unduly overbearing for nos. 6 and 14.
- The side passage has resulted in a less favourable relationship with party boundary to south as compared to previously approved development.
(D02A/0749)
- The ground level development along the boundary is also considered excessive.
- While the depth of the ground level would be delay with by consideration the first floor development and relationship with boundary is considered to be too complex to address by condition. Accordingly refusal fo permission is recommend.
- Drainge matters are considered acceptable
- No AA or EIA issues.

3.2.2. Other Technical Reports

- Drainage Division - Engineering Department - no objection subject to conditions
- Transportation Planning Division – further details need regarding car parking. .

3.3. Prescribed Bodies

- Irish Water – no objection subject to conditions.

3.4. Third-Party Observations

- Issues raised in observations on appeal.

4.0 Planning History

4.1. The site

- 4.1.1. An Bord Pleanala ref: 221731 refers to a refusal of permission for a two-storey end of terrace dwelling.

The proposed development of a two storey end of terrace house on a restricted site to the side of the existing pair of semi-detached houses at number 81-813 Mount Eagle Drive, extending to side boundary with numbers 14 and 16 Mount

Eagle Park to the south would constitute over development of a restricted site and would have an overbearing impact on those properties to the south. The proposed development would therefore be contrary to the proposer planning and sustainable development of the area.

4.1.2. PA ref: D02A/0749 refers to a permission for a two storey family flat to side.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The objective for the site is 'To protect and/or improve residential amenities.' (Zone A)

5.1.2. The development plan advocates densification of the suburbs in line with national strategy. (section 2.1.3.4)

5.1.3. Chapter 8 sets out housing standards and section 8.2.3.4 (v) sets out detailed criteria in assessing proposals in side gardens. And these conclude

- Maintenance of side rear access
- Large 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 pastiche development.

5.2. Environmental Impact Assessment - Preliminary Examination

5.2.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

6.1.1. A first-party appeal has been lodged and is based on the following grounds:

- The design has responded to the comments in the pre-application meeting. The dwelling has been adjusted and building lines have been maintained to both front and rear (first floor level).
- The scale and massing have been scaled back in a more modest proposal and the variance in heights and stepped profile softens the visual impact.
- Vehicular access is in line with the wider development. Details attached.
- Design elements include
 - 800mm side passage
 - Central staircase for efficient layout
 - A flat roof is used to deliberately contrast with the prevailing profile and allow roof lights to central spaces
 - Layout maximises access to daylight.
- The design is off set at first floor level.
- It is not a conservation area. The design while contemporary incorporates fenestration detail and external finishes that seek to harmonise with the external finishes of houses in the area
- The design accords with Policy PUD1 promotes high quality design in that the scale, height, massing and finishes ensure no detrimental impact on neighbours or character of the area. It would contribute to the creation of an unique sense of space.
- It will contribute positively to the area in term of its residential zoning and addition to housing stock.
- The dwelling meets with development standards regarding accommodation, parking and open space.
- The design is subordinate due to the flat roof.
- The house will not overlooked or overbear or overshadowed. There are no first floor windows overlooking.

6.2. Planning Authority Response

6.2.1. In correspondence dated 15th June 2020 the planning authority states in response:

- Maintains position that due to proximity and excessive height of the proposed development to the boundary, the amenities of nos. 14 and 16 Mount Eagle Park would be adversely affected.
- The view from the road as submitted is not representative of the aspect from the rear of 14 and 16 – this aspect would be visually overbearing.
- Other examples are different in respect of set back.
- Previous permission for two bed dwelling better.

6.3. Observations

6.3.1. Mark and Marese Damery, 14 Mount Eagle Park

- Precedent cases cited are not relevant as they relate to original construction and not extensions. The extent of development was therefore fully apparent for purchasers at that time.
- This would result in a radically different configuration relationship between properties since time of their house purchase.
- The distance between their property and that proposed is less than 12m
- Supports decision by planning authority.
- There would be overlooking
- The development would be detrimental to their amenity.

6.3.2. David and Olive Delaney 16 Mount Eagle Park

- Similar points made in respect of proximity and impact on amenity.
- The issue of proximity to boundary is not addressed. In their case their kitchen extension means that there is 9.73m distance from the boundary alongside which it is proposed to develop.

7.0 Assessment

7.1. Issues

- 7.1.1. This appeal relates to a proposal for an additional dwelling in a side garden of a semidetached house – the side of which is backed onto by a pair of semidetached houses on Mount Eagle Park off Mount Eagle Drive. From my inspection and review of the file, the key issues centre on:

- Principle
- Residential Amenity
 - Visual
 - Overlooking, overshadowing

7.2. Principle

- 7.2.1. The site is centrally located in a residential housing development where it is an objective to provide 'to protect and/or improve residential amenities'. The development plan advocates densification in line with national policy and, most relevantly, in section 8.2.3.4 (v) it sets out design criteria for accommodating development in corner sites in scenarios similar to the subject site.
- 7.2.2. Accordingly, in principle, having regard to the development plan objective for lands and to the policy in respect of corner sites, the side garden in such a location may potentially accommodate the provision of an additional dwelling subject to design criteria. However in this case the house relies on developing up to the boundary which has implications for the adjacent properties.

7.3. Residential Amenity

- 7.3.1. There are two aspects to the impact on amenity. The first relates to the character of the area and visual amenity and the second relates to the nuisance elements such as overlooking, overshadowing and disturbance.

Visual amenity.

- 7.3.2. In this case it is proposed to construct along the boundary wall which forms the rear boundary with numbers 14 and 16 Mount Eagle Park.
- 7.3.3. The existing eaves height of the house on site is 5.04m high which extends the 10m depth of the house at a distance of about 5m from the side boundary. It is proposed to construct a new dwelling abutting the boundary at ground level for a depth of around 12m and then an additional 5m at a set back from the side boundary. The first level extends the depth of the original house but is stepped back 1.345 over a depth of 3.5m from the original façade building line. Accordingly a length of 4.6m of the proposed first floor at a height of 5.765m extends along the boundaries with both nos.14 and 16 to the south west. The remaining parapet height along the

boundary is proposed at around 3.2m and varies in height as it is stepped back from the boundary while rising to a maximum height of 6, at roof level.

- 7.3.4. I accept that the house has been designed to minimise its impact and blend in a contemporary approach to the form and pattern of surrounding development. I note the recessing and modelling and plain render finish as compared to the more intricate brick detailing and shingling throughout the estate. In terms of impact on the streetscape, the proposed plot at around 5m in width can just about accommodate a house that would not be unduly out of character with the streetscape. While the contemporary approach contrasts to prevailing design, I consider the street facade to be substantially respectful of the rhythm of the streetscape although the raised parapet height and verticality does introduce a more dominant profile. The slight recessing partially counters this. This could be amended by condition.
- 7.3.5. There is however a bigger issue with the spacing and site layout. The design incorporates a 800mm passageway between the existing and proposed houses which not only further narrows the restricted site width but it also requires using the full width of the site and up to the boundary with the adjacent development where multiple houses back onto it at right angles. While I consider the that ground floor level of development would be within acceptable limits, the construction of the first floor level alongside the boundary would I consider amount to quite a departure from the character of the area. The housing development for example is characterised by fairly dense development for this type of housing and I refer to the absence of typical front gardens and relatively modestly scaled houses but this is offset by the spacing of the houses and use of both open spaces and set back from boundaries. In this context the construction of the house up to the boundary and the effective introduction of an c.6m high boundary partially along the rear boundary wall would significantly alter and detract from the character of the area and amenities of the adjacent properties from where views would be most apparent.

Overshadowing/overlooking

- 7.3.6. In terms of overshadowing the proposed house would have limited potential due to the orientation of the site. With respect to overlooking, I note that the proposed side elevation that faces the rear of nos.14 and 16 does not have glazing. Oblique angled viewed would be within acceptable limits. Accordingly I do not consider the

proposed development would unduly interfere with privacy or light in the adjacent houses.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the minor nature 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. Accordingly, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

9.0 Recommendation

- 9.1. I recommend that planning permission for the proposed development be refused for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

- 1) Having regard to the established character and pattern of development in the vicinity, the provisions of the Dun Laoghaire-Rathdown Development Plan 2016-2022 for development at corner sites and the proposed site configuration and the objective for the area 'to protect and/or improve residential amenity', it is considered that the proposed dwelling by reason of its proximity to the boundary with numbers 14 and 16 Mount Eagle Park together with its height and extent would have an unduly overbearing impact and detract from the visual amenities of the adjacent residential development and accordingly conflict with policies of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Suzanne Kehely
Senior Planning Inspector

22nd October 2020