



An
Bord
Pleanála

Inspector's Report

ABP-307616-20

Development	Demolition of Motor Repair Workshop and construction of a 2 storey house
Location	7B Lanesville Avenue, Monkstown Avenue, Monkstown, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0025
Applicant(s)	Victor Boyhan.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party.
Appellant(s)	Katherine Quirke.
Observer(s)	None.
Date of Site Inspection	8 th September 2020.
Inspector	Elaine Sullivan

1.0 Site Location and Description

- 1.1. The subject site is located in the well-established residential area of Lanesville, which is a long cul-de-sac accessed from Monkstown Avenue. The site has an area of 126m² and is positioned between the residential streets of Lanesville to the north-west and Oliver Plunkett Avenue to the south-east. Both streets are characterised by pre-dominantly two storey housing with gardens to the front and rear with some single storey cottages facing onto Lanesville.
- 1.2. The site is bounded by No. 1 Lanesville Mews, which is part of an infill development of 7 houses, to the north, and by No. 62 Oliver Plunkett Avenue and the attendant open space to the south.
- 1.3. There is currently a single storey car repair workshop in place on the site, which is accessed from Lanesville. The boundary wall facing onto Oliver Plunkett Avenue comprises a stone rubble wall and blockwork construction.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of a motor repair workshop of 94sqm and the construction of a detached, 2 storey, 2 bedroom dwelling of 124sqm. The new house would be slightly set back from the site boundary facing onto Lanesville. Some low-level planting is shown to the front in the 3D images, although not shown in the layout plans, and the front wall would align with the front elevation of the adjoining property to the north at No. 1 Lanesville Mews.
- 2.2. The ground floor layout incorporates a garage along the northern side of the building and adjacent to the site boundary with No. 1 Lanesville Mews. Private open space of 48sqm would be provided to the rear of the dwelling and adjacent to Oliver Plunkett Avenue.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant permission with 12 no. conditions on the 18th June 2020.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Officer (June 2020) reflects the decision of the Planning Authority. Further information was requested by the Planning Officer in their initial report (March 2020), with regard to two no. items;
1. The disposal of surface water runoff generated by the development (roof and pavements) to the sewer was queried. The Planning Authority requested that all surface water should be infiltrated or reused locally with no overflow to the sewer. The applicant was advised that the proposals should comply with Section 8.2.4.9 of the Dun Laoghaire Rathdown Development Plan 2016-2022.
 2. A Site Layout Plan in accordance with Article 23 (1)(a) & (c) of the Planning and Development Regulations 2001 (as amended) was also requested.

A response to Further Information was submitted in May 2020.

In response to Item 1, the applicant proposed a water harvesting tank, to Manufacturers and Engineers specifications at working drawing stage, to be installed on the site. Surface water from the front hard standing area would be collected by an ACO drain fitted across the front of the house to the rear surface drainage area via gully traps to an Engineer approved rainwater harvesting tank, and wildlife pond with a Soakway gravel pit. All rainwater/surface water would be used for domestic cisterns, gardening and the wildlife pond. Technical specifications for Rainwater Harvesting Solutions by 'Ecotanks' was included in the submission.

A Site Layout Plan in accordance with Article 23 (1)(a) & (c) of the Planning and Development Regulations 2001 (as amended) was submitted.

The Further Information also stated that;

- It was not proposed to demolish the granite wall between No. 62 Oliver Plunkett Avenue and the subject site; all works would take place within the site boundary,

- No vehicular or pedestrian access or egress was proposed to Oliver Plunkett Avenue.
- Obscured glazing would be fitted to the bathroom window on the elevation facing onto No. 1 Lanesville Mews.

3.2.2. Other Technical Reports

- Transportation Planning – No objection to the proposal. Conditions recommended.
- Drainage – Initial report recommended that Further Information be requested. The report in response to the FI submission had no objection subject to 3 no. conditions.

3.3. Prescribed Bodies

- No referrals.

3.4. Third Party Observations

Two third party observations were received within the statutory time frame. The main issues raised in the observations are summarised below;

- The proposed development would compromise the development potential of the site to the side of No. 62 Oliver Plunkett Avenue.
- The development does not respect the height and massing of existing residential units
- The existing granite wall is historic and it is unclear as to whether this wall will be retained.
- The application is insufficient as the drawings submitted are not in accordance with the requirements of the Regulations.
- No demolition plan or construction management plan submitted.
- The design will have a significant impact on the amenity of the open space serving No. 62, which will be flanked by a large blank wall. The roof line should be amended to reduce the impact.

- A first-floor set-back should also be provided on the southern elevation facing No. 62 to reduce the impact.
- Render is not appropriate as a finish as it would degrade over time and it would not be possible to access the gable wall to maintain it.

4.0 Planning History

- V/142/19 – Social Housing Exemption Certificate granted by the Planning Authority on the 16th December 2019 for a two-storey detached, 3 bedroom dwelling house, new pedestrian entrance and associated site works.
- On the adjoining site;

D08A/1120 – 62 Oliver Plunkett Avenue – Planning permission granted by the Planning Authority on the 26th February 2009 for the construction of a two-storey detached, 3 bedroom dwelling with a new pedestrian entrance to the side of the existing house at 62 Oliver Plunkett Avenue.

Condition No. 4 of the permission omitted the pedestrian gate to Lanesville.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire Rathdown County Development Plan, (DLR CDP) 2016-2022 the site is zoned NC, the objective of which is *‘To protect, provide for and/or improve mixed use neighbourhood centre facilities’*. Residential development is ‘permitted in Principle’ within the NC zoning.

Lands directly adjoining the site to the south and west are zoned Objective A – *‘To protect and/or improve residential amenity’*.

Relevant Planning policies and objectives for residential development are set out in Chapter 2, (Sustainable Communities Strategy), and Chapter 8, (Principles of Development).

- Chapter 2 – Sustainable Communities Strategy –
 - Section 2.1.3.4; Existing Housing Stock and Densification. Policy Res 4 states that ‘It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities’.
 - Under this policy the Council will; ‘Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. and would Actively promote and facilitate;
 - Development of mews buildings and other infill accommodation, which is in harmony with existing buildings,
 - Prevent any new development or change of use which would seriously reduce the amenity of nearby dwellings.

- Chapter 8 – Principles of Development
 - Section 8.2 – Development Management
 - (vii) Infill - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

 - Section 8.2.3 – Residential Development
 - Section 8.2.3.1 – Quality Residential Design
 - Section 8.2.3.2 – Quantitative Standards
 - Section 8.2.3.4 – Additional Accommodation in Existing Built-Up Areas
 - Section 8.2.3.4 (v) – Corner/Side Garden Sites; The Planning Authority will have regard to the following;
 - 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.
- 8.2.3.4 (vii) – Infill - New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- 8.2.3.5 – Residential Development – General Requirements
- Habitable room sizes for houses shall comply with National Guidance as per ‘Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007).
- 8.2.4.5 – Car Parking Standards - 1 space per 2 bed house
- Section 8.2.4 (i) – Private Open Space for Houses – For 1 or 2 bedroom houses a figure of 48sqm may be acceptable.
- 8.2.8.4 (ii) – Separation Distances – 22m between opposing windows at 1st floor level.
- 8.2.4.5 – Car Parking Standards - 1 space per 2 bed house.
- 8.2.4.9 – Vehicular Entrances and Hardstanding Areas

5.2. Natural Heritage Designations

- South Dublin Bay SAC (Site Code: 000210) – Circa 1.15km away
- South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) – Circa 1.15km away

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal as raised in the submission on behalf of the third party appellant and can be summarised as follows:

- By virtue of the scale and design the proposed dwelling would have a negative impact on the amenity of the open space to the side of the adjoining house at No. 62 Plunkett Avenue.
- The height of the structure is considerable at 8.5m to the roof ridge and would result in a large blank gable wall along the boundary to the open space to the side of No. 62, which will be overbearing.
- The positioning of the new dwelling on the site boundary would prejudice the development potential of the of the adjoining property, which had previously been granted planning permission for a detached 2 storey dwelling to the side garden.
- A set-back at first floor level on the north-eastern side of the dwelling should be provided to reduce the impact on the adjoining property. This issue was raised by the Planning Authority in Section 247 Pre-Application Consultations but was not included in the application.
- The roofline of the dwelling is of concern as the centrally positioned ridge, with a roof plane on either side results in a significant expanse and roof height facing onto No. 62, which increases the perceived scale and massing of the

proposed house. A reduction in the ridge height and a more 'pyramidal' roof line with roof planes on two axes would reduce the impact.

- A reduction in the roof height and the floor to ceiling heights would reduce the impact of the development on the surrounding area.
- The round window to the rear at attic level should be omitted as it compromises the design and is out of character with the prevailing design in the area.

Other issues included in the appeal are as follows;

- The original application should have been invalidated as it did not meet the requirements of Article 23 (1)(a) and (c) of the Planning and Development Regulations (as amended) as no site layout plan was submitted which detailed the context of the site or the levels and contours.
- The application does not include plans for a habitable third storey but the drawings indicate that this may be possible. It is requested that a condition be attached to restrict the use of the attic as habitable space.
- There is a distance of 5.2m from the proposed development to the front façade of No. 62 Oliver Plunkett Avenue. This could result in overlooking from the first floor windows on the rear elevation of the proposal, even though it would be at an angle. The extent of glazing proposed would exacerbate the potential for overlooking.
- Condition No. 7 of the permission requires that the soakway to be provided onsite shall be designed to have a minimum set back distance of 5m from any building / structural foundation and 3m from any adjoining property

boundaries. Given the dimensions of the rear garden proposed, (7.1m x 6.7m), this would not be possible.

- No detail is shown with regard to connections to services within the public domain, therefore any such connections would not benefit from permission should it be granted. Even if the works are normally exempt under Schedule 2 of the Planning and Development Regulations or Section 4 of the Act any such exemption would not apply as the current application would not accord with the standard Condition No. 1 as it could not be implemented in accordance with the plans and particulars submitted.

6.2. Applicant Response

The Applicant's response to the issues raised in the 3rd party appeal / by the 3rd party are as follows;

- The site contains the last remaining commercial yard and building on the street within the NC zoning. A residential development is much more suitable than a commercial use in this location.
- The proposed dwelling will be built within the site boundaries and will not oversail adjoining properties. It was never intended to remove the old granite wall and this will be retained.
- Planning permission granted under Ref. D08A/1120 for a detached 2 storey dwelling to the side of No. 62 Oliver Plunkett Avenue has expired. The proposed development will not prejudice any future development of the site.
- The proposal is in accordance with the policies and objectives of the Dun Laoghaire Rathdown Development Plan in relation to infill development. The external finishes are similar to the existing character of development.
- There is no proposal to include a habitable third storey to the dwelling.
- The site is currently connected to services and utilities such as electricity, mains water and drainage and sewage network.
- The Vellux roof light facing onto No. 62 is positioned over the stairs and as such would not result in overlooking.

- A set-back at first floor level as proposed would not be a practical or sustainable solution.
- With regard to the issue raised regarding the blank gable wall, it is requested that the Bord consider the possibility of including an opaque window in the upper south gable elevation in order to provide a visual break and additional light to the stairwell.
- Any panels of asbestos roofing will be removed by and approved and professional registered company specialising in the disposal of asbestos.
- The private open space to the rear of the dwelling will be landscaped with a mixture of trees, shrubs and herbaceous plants for colour and biodiversity. The non-planted areas will be open porous aggregate dressed in fine gravel.

6.3. **Observations**

- None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle & Design
- Impact on Existing Development
- Drainage
- Appropriate Assessment

7.2. Principle & Design

The site is located in an area zoned NC, the objective of which is 'To protect, provide for and improve missed use neighbourhood centre facilities'. Residential development is 'permitted in principle' within the NC zoning and is supported by Development Plan Policy Res 4 with regard to infill development.

The proposed dwelling is a traditional 2 storey design with a centrally positioned, double pitched roof with gable to the front and rear. The building footprint extends to the full width of the site with a single garage incorporated into the design and along the northern boundary. The first floor level is also set back from the northern boundary by 1.6m in order to accommodate an existing first floor window on the adjacent property. The floor plan at ground floor level is open plan with the two bedrooms at first floor level stretching across the width of the structure and facing onto the front and rear. A circular window is shown at roof level on the front and rear elevation.

The surrounding character of development within the context of the site is that of 2 storey houses, either terraced or semi-detached and with varying roof profiles. The houses in closest proximity to the site, No's 1 Lanesville Mews and 62 Oliver Plunkett Avenue, are end of terrace dwellings with hipped roof profiles to the side.

I consider the design of the proposed dwelling to be in keeping with the surrounding pattern of residential development within the proximity of the site, and, whilst the circular attic windows to the front and rear are unusual features, they do not render the proposal incongruous with the existing housing.

7.3. Impact on Existing Development

I have examined the site and the surrounding development and am satisfied that the proposed dwelling will not result in any undue negative impacts on the amenity of the property directly to the north east, No. 1 Lanesville.

Given the layout and positioning of the site directly to the south west, at No. 62 Oliver Plunkett Avenue, the proposed development will be more prominent and visible from this location.

The side elevation of the new dwelling would flank the entire length of the private open space to the side of the existing house. The lands, and dwellings to the south of the site are at a slightly higher level than the existing ground level of the garage. As such, the impact of the 2 storey structure along the boundary would be less pronounced.

The side garden is of generous scale and has a long side boundary along the western side, which is open and lets in a lot of light. Whilst the new development will enclose the open space along its northern boundary, I am satisfied that it will not result in an overbearing impact given its orientation and the existing conditions on the site.

I am also of the opinion that any alterations to the elevations, overall height and roof profile would not result in any significant difference in the overall appearance and impact and are therefore unnecessary.

Given the location of the site, the windows on the front and rear elevations of the new house would not face directly onto any other dwellings. However, concerns were raised in the appeal with regard to the potential for overlooking from the large windows on the rear elevation and also from the rooflights to the attic.

The drawings submitted for planning have some inconsistencies with regard to the window openings to the front and rear at first floor level. On the drawing titled, Rear Elevation – South West, the window opening is shown as approximately 5.2m in width but the First Floor Plan shows it as full width glazing of approximately 6.2m. The Front Elevation – North West drawing, shows two window openings of 2.7m in width, whilst the First Floor Plan shows the openings as 3.1m and 2.9m respectively. In my opinion the smaller window openings would be more in keeping with the traditional housing style in the area and would be the preferred option. This can be addressed by condition.

The first floor windows would be at an oblique angle to the existing housing and as such would not directly overlook the adjoining property. The smaller window openings as shown on the elevations would also further restrict sightlines to the front of existing dwellings.

Planning permission was previously granted for a 2 storey, 3 bed, detached house to the side of No. 62, (DLR Ref. D08A/1120) This permission has now expired and any

further permission would be assessed on its own merits and would be subject to compliance with the policies and objectives of the DLR CDP. In my opinion any future development potential would be assessed on its own merits and would not be prejudiced by the subject development.

7.4. Drainage

Condition 7(b) of the permission was recommended by the Drainage Department of the Planning Authority and states the following;

The overflow surface water runoff from the proposed rainwater harvesting system generated by the proposed development shall be infiltrated locally, to a soakaway or similar, as indicated in the application. The soakaway shall be designed to BRE Digest 365 and shall have a minimum set back distance of 5m from any building/structural foundation and 3m from adjoining property boundaries and shall have no impact on the adjoining properties.

The area of private open space proposed to the rear measures 6.7m x 7.1m and as such a soakway cannot be provided to these requirements. However, the information submitted in response to FI refers to the provision of a rainwater harvesting system, combined with a wildlife pond with a soakway gravel pit. The proposed positioning of these elements are shown on the Site Layout Plan submitted but technical details of the soakway are not included.

The site currently has 100% coverage with hard standing / non-porous materials. Details of how the surface water run off for the site is currently addressed is not included in the application. The proposed development would decrease the area of non-porous material by approximately 38% by the provision of 48sqm of private open space. This alone will increase the capacity of the site to filter surface run off.

Specifications of the proposed rainwater harvesting tank also allow for the re-use of the grey water collected for household activities, which is suggested in the FI submission. Given the increase in the porous footprint of the site, the proposed use of the rainwater tank and the recycling of grey water collected for household use, I would question the requirement for the provision of a dedicated soakway. Instead, I would suggest that the surface water run off could be addressed by way of a

condition that requires the applicant to ensure that the rainwater harvesting system to be installed has sufficient capacity to deal with projected run off from the development, and, when combined with the other measures proposed, would substantially contain the surface water run off within the site.

7.5. Other Matters

Additional issues raised in the appeal include some procedural issues that relate to the validity of the application.

The Appellant contends that the application should have been invalidated on receipt as the drawings submitted did not comply with Article 23 (1)(a) & (c) of the Planning & Development Regulations as Site Layout Plan to the specifications required by the Regs was not submitted. This drawing was requested by way of Further Information and was subsequently submitted to the Planning Authority.

Any initial queries regarding the overall compliance with Article 23 (1)(a) & (c) was addressed by the Planning Authority. Having examined the details of the appeal and the supporting documentation I am satisfied that sufficient information was available to adequately inform third parties and as such third party rights were not prejudiced.

7.6. Appropriate Assessment

Having regard to the minor nature of the development proposed within an existing built-up area, 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 that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the 'NC – Neighbourhood Centre' zoning provision for the site, Policy RES4; Existing Housing Stock and Densification, and the objectives and standards of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and the small scale nature of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential amenities of the area or property in the vicinity. 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 [as amended by the further plans and particulars submitted on the 6th day of May 2020], 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>
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2.	<p>The first floor windows to the front and rear elevations shall be constructed in accordance with the measurements shown on the drawings labelled 'Front Elevation North-West' and 'Rear Elevation North-West' which were submitted to the Planning Authority on the 16th day of January 2020.</p> <p>Reason: In the interest of clarity and to ensure a proper standard of development.</p>
3.	<p>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 house, without a prior grant of planning permission.</p> <p>Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The applicant shall comply with the requirements of Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried only out between the hours of 0700 to 1800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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.</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>
8.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p>

Elaine Sullivan
Planning Inspector

23rd September 2020