



An
Bord
Pleanála

Inspector's Report ABP307810-20

Development	Erect a house in the side garden
Location	20 Hyde Park, Glenageary, County Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0249
Applicant(s)	Connor & Audrey Sherlock
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Connor & Audrey Sherlock
Observer(s)	Alan and Rebecca Maughan
Date of Site Inspection	23 rd October 2020.
Inspector	Hugh Mannion.

1.0 Site Location and Description

1.1. The site has a stated area of 0.02ha and comprises the side garden of a house at 20 Hyde Park, Glenageary, County Dublin. Hyde Park is a residential cul de sac characterised by two storey semidetached houses with front and rear gardens. The application site comprises a relatively long west facing rear and side garden at the end of the cul de sac.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of an existing side garage, erection of a two storey two bed house and provision of a single car parking space to the front at 20 Hyde Park, Glenageary, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

The scale, mass, design and depth and proximity to the boundaries would adversely impact on the residential amenity of adjacent property through an appearance of overbearing and comprise overdevelopment of the site which would be contrary to section 8.2.3.4 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal for the reason set out in the manager's order and summarised above.

3.2.2. Other Technical Reports

Transport Planning Section recommended a grant of permission subject to conditions relating to the entrance to the public road.

Irish Water reported no objection.

Drainage Planning Division reported no objection subject to conditions.

4.0 Planning History

None relevant.

5.0 Policy and Context

5.1. The Sustainable Residential Development in Urban Areas Guidelines (2009) (section 5.9) make the point that infill development can be an appropriate form of development in urban areas particularly where better use can be made of existing social and physical infrastructure.

5.2. Development Plan

5.3. 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.

5.4. Section 8.2.3.4 (v) of the County Development Plan states in relation to new houses in corner/side garden sites states;

5.5. 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.

5.6. Natural Heritage Designations

Not relevant

5.7. Environmental Impact Assessment Screening

- 5.8. Having regard to nature of the development comprising a single house located in a built up area on land zoned for residential development 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 proposed development comprises infill development as provided for in the County Development Plan in a way that allows for the provision of additional accommodation in built up areas.
- The proposed house replaces an existing garage on the site. The new building will create a 'walled garden' effect for adjoining properties.
- Views from the new house are down the new house's garden and not into adjoining property.
- The proposed house is modest in scale and set back from the building lines established by existing houses in Hyde Park. This arrangement maintains the streetscape rhythm of the pairs of semi-detached houses on the road.
- The proposed house will meet the future needs of the current owners of 20 Hyde Park who want to downsize their accommodation.

6.2. Planning Authority Response

- No further comment.

6.3. Observations

- The proposed western elevation will be 20 feet high with an additional 3ft water tank which will be overly prominent and overbearing when viewed from the observer's garden at 35B Castle Park.
- The proposed house will reduce light into the observer's garden.
- There is a large window in the front of the house which will overlook the observer's rear garden.

6.4. Further Responses

None.

7.0 **Assessment**

7.1. **Zoning**

7.2. The Sustainable Residential Development in Urban Areas Guidelines (2009) (section 5.9) make the point that infill development can be an appropriate form of development in urban areas and such sites appear as small infill gaps, unused and backland sites. When these sites occur in urban areas where there are existing services new residential development is acceptable.

7.3. The application site is located in an area zoned “to protect and or improve residential amenity” in the current County Development Plan. The County Development Plan also makes the point (section 8.2.3.2) that high quality development at higher densities should be supported in proximity to transport infrastructure and other services.

7.4. The proposed development is therefore permitted in principle.

7.5. **Impact on Adjoining Area.**

7.6. The application site is long and narrow comprising the side and part of the rear garden 20 Hyde Park. The existing houses in Hyde Park date from the mid-20th century and there is a set pattern of two storey semi-detached houses although there is a relatively new detached house at number 13A on corner of Hyde Park. The proposed house is set back behind the established building line. In the context of the last side garden in the cul de sac I consider that this set back is acceptable and the proposed house makes no attempt to read as other than a more modern infill within this mid-century context. The scale and mass of the new house when viewed from the public road will be subservient to the scale and mass of the other houses on Hyde Park.

7.7. Having regard to the foregoing I consider that size, design, layout is acceptable within its context and that the proposed development will not seriously injure the visual amenity of the immediate area.

7.8. **Impact on adjoining Property.**

7.9. There are no ground floor windows on the eastern or western elevations. There are no windows on the western elevation at first floor level facing into the observer's rear

garden. There is a first floor high-level window on the eastern elevation facing into the rear garden of 20 Hyde Park which lights the stairwell in the proposed house. This window will not afford views over the rear garden of 20 Hyde Park. I conclude therefore that overlooking of adjoining property is not an issue in the present application. The applicant makes the point that views from the first floor are down the garden. This is a reasonable point. The rear garden is more than 11m deep from the rear wall of the proposed house to the boundary wall which separates it from the public road/turning circle associated with an adjoining housing development.

- 7.10. Having regard to these factors I conclude that the proposed development will not give rise to overlooking of adjoining property.
- 7.11. The planning authority makes the point that the proposed development is too close to the boundaries and this point is raised by the observer who states that the western wall of the proposed development will be excessively high when viewed from the observers property at 35B Castlepark Road which is the adjoining residential area to the west of the site. The observer further states that the proposed development will negatively impact on natural light in the rear garden of 35B Castlepark Road.
- 7.12. The western elevation will be built largely along the boundary with the rear garden of 35B Castlepark Road and to a lesser extent along the rear garden boundary with 'Erislannan' 37 Castlepark Road. This wall will have a maximum height of 6.25m and is located due east of the observer's rear garden and that of the adjoining house on Castlepark Road. I estimate that these rear gardens are 15m deep. Having regard to the shadow analysis submitted with the application, the depth of the rear gardens of these houses to the west of Castlepark, to the orientation of the proposed development east of these rear gardens which ensures that no direct sunlight from the south or west is blocked I conclude that the impacts on these gardens by the proposed development will not be such as to seriously injure the amenity or depreciate the value of these properties by overshadowing or overbearing aspect.
- 7.13. The County Development Plan requires that two bed houses be provided with 48m² of private open space. The proposed development provides about 55m² which meets the standard set out at 8.2.8.4(i).

7.14. Road Safety.

7.15. The proposed development provides a single off-street car parking space. This is acceptable. I recommend a condition requiring the details of the entrance to the public road be agreed in writing with the planning authority prior to commencement of development.

7.16. Appropriate Assessment Screening

7.17. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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 grant of planning permission.

9.0 Reasons and Considerations

9.1. The proposed development is in an area zoned to protect and/or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development comprises a modest house in a side garden in a cul de sac and, subject to compliance with the conditions set out below, it is considered that the proposed development will not seriously injure the visual or residential amenity of the area or give rise to traffic hazard, will accord with the zoning objective for the area set out in the County Development Plan and will, otherwise, accord 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 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>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the construction and layout of the proposed off-street parking space and the entrance from the site to the public road shall be submitted and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of public safety.</p>
5.	<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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<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</p>

	<p>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>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.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<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 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>

Hugh Mannion

Senior Planning Inspector

3rd November 2020