



An
Bord
Pleanála

Inspector's Report ABP-307973-20

Development	Construction of a two-storey dwelling in the side garden of dwelling.
Location	93 Ballytore Road, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0350
Applicant(s)	Roger Keller
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Roger Keller
Observer(s)	None received
Date of Site Inspection	9 th December 2020
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1 The site, has a stated area of 0.022 hectares, comprises the curtilage of number 93, Ballytore Road, Rathfarnham, – a two-storey end of terrace dwelling with a single-storey attached converted garage and two-storey extension to the side and rear. The site is located on the northern side of Ballytore Road. There is on-site parking to the front of the existing house, with sufficient space to park two cars. Site levels are consistent with those of the adjoining public road and neighbouring properties.
- 1.2 To the west of the site is number 93, Ballytore Road, to the south and south-east are other residential properties on Ballytore Road. To the north and east of the site is a two-metre-wide pedestrian laneway, linking Ballytore Road to Dodder Park Road. The roadside boundary comprises a boundary wall at a height of approximately 1.2 metres, to the east and north is a walled boundary with some planting that is approximately two metres in height and borders the pedestrian laneway. There is extensive screen planting on the appeal site at present, some of which would be removed to cater for the development proposal.

2.0 Proposed Development

- 2.1 Permission is sought to construct a two-storey detached two bedroomed dwelling house (one hundred and five square metres, sq. m.). A bespoke contemporary design is proposed, to suit the irregular configuration of the site with its narrow frontage, the site and dwelling both widen to the rear (north) of the site. The dwelling steps down from two storey to single storey at the rear. The bedroom accommodation and bathroom are at ground floor with the kitchen/dining/siting room at first floor level. The majority of the window opes are on the front and rear (north and south) elevations, with two first floor windows on the side (eastern) gable at first floor level. There is no fenestration proposed on the western gable. A mono-pitch roof is proposed with a maximum ridge height of 6.7 metres, which is below the typical ridge heights of dwellings along Balytore Road. External materials would comprise a variety of napp plaster, timber cladding, brick and fibreglass roofing. The house would be located in the side garden of an existing two-storey house – together with the provision of new vehicular entrance arrangements for the proposed and

existing houses. It is proposed to connect to the public water supply and to public foul sewer. Surface water is to be discharged to a soak pit.

2.2 The appellants submitted a number of accompanying reports as part of the planning documentation including a planning report, soil percolation test report including surface water management proposals and a daylight/sunlight and overshadowing analysis report.

2.3 Further information was submitted in relation to: A revised dwelling design; Revised access and car parking proposals to serve the existing and proposed dwellings and on-site surface water management proposals.

3.0 Planning Authority Decision

3.1 By Order dated 24th day of July 2020, South Dublin County Council (SDCC) issued a notification of decision to refuse planning permission for one reason, as follows-

1. The applicant has failed to provide sufficient space for two vehicles within the curtilage of the application site. The applicant has failed to provide sufficient access width to enable safe access to the driveway of the proposed dwelling. Having regard to the information submitted in relation to car parking and access proposals on the site, the Planning Authority is not satisfied that the proposed development would not give rise to a traffic hazard. This is contrary to the provisions of the County Development Plan and the sustainable development of the area.

4.0 Planning History

I am not aware of any planning history pertaining to the appeal site.

5.0 Policy Context

5.1 Development Plan

The relevant document is the South Dublin County Development Plan 2016-2022. The site is zoned RES where the objective is “To protect and/or improve residential amenity”. Section 11.3.2 (ii) of the Plan addresses corner/side/garden sites, and states-

- The site should be of sufficient size to accommodate an additional dwelling (s) and an appropriate set back should be maintained from adjacent dwellings.
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings.
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings.
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings.
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking standards (Residential development)

Section 11.4.4- Car Parking Design & Layout

5.2 Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1 Grounds of Appeal

The first party appeal by Roger Keller was received by An Bord Pleanála on 19th day of August 2020, and can be summarised as follows-

Parking and Access:

- The Planning Authority has refused planning permission for the dwelling for one reason, that being traffic and access related.
- The reason for refusal can be broken down into two issues:
- The first issue relates to insufficient space being provided for two vehicles to park, within the curtilage of the application site.
- The appellant has submitted revised car parking and access proposals as part of his appeal submission. One on-site car parking space would now be provided to serve the proposed two bedroomed dwelling. The Development Plan standard as set out in Table 11.24 of the Plan is 1.5 spaces for a two bedroomed house in Zone 1. These standards are set as maximum parking standards.
- Therefore, the provision of 2 spaces, as originally proposed, would be excessive. The site is within 640 metres of the Rathfarnham Quality Bus Corridor, and within a one-kilometre distance of both Rathfarnham and Terenure Village Centres and Orwell Park.
- Therefore, the revised parking provision, is in accordance with the requirements of the Development Plan given the central location of the appeal site.
- The second issue within the refusal reason relates to the width of the access points.
- A revised double shared access width of 5.5 metres is proposed to serve the existing and proposed dwellings.
- The existing vehicular entrance would be widened in a westerly direction, whereby an existing gate pier would be removed as would a section of the front boundary wall and the recessing of a boundary fence.

- Under the revised entrance layout, a double width entrance would be created, whereby each property would have their own private parking areas and front garden spaces.
- A wider and safer access would be provided under the revised proposals.
- The amended access and parking proposals have comprehensively addressed the items raised in the Council's refusal reason.

Other Issues:

- Apart from the single reason for refusal, the development was otherwise considered acceptable by the Planning Authority.
- A daylight/sunlight and overshadowing analysis was submitted, which concluded that there would be an impact upon number 93, to the west, though the level of impact would be acceptable, given the affected rooms have an alternative source of light. The proposed dwelling design was amended to single storey at the rear as suggested by the Planning Authority within their further information request.

6.2 Planning Authority Response

Response received outlining the following:

- The Planning Authority has outlined that it would like a number of specified conditions to be attached to a decision in the event of planning permission being granted.

7.0 Assessment

7.1 General Comment

The principle of erecting a house in the side garden of number 93 Ballytore Road is not at issue in this instance, rather the parking and access proposals. The proposals in relation to dwelling design and layout, protecting residential amenity and servicing are considered acceptable. The following are therefore considered to be the core planning issues that arise from the appeal and observer submissions:

- Principle of Development
- Parking and Access
- Other issues
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The site is zoned RES as per the Development Plan where the zoning objective to: To protect and/or improve residential amenity. Therefore, the principle of the development would be acceptable in principle subject to an appropriate design and layout being presented, and that that the residential amenity of neighbouring properties is respected, and that suitable access and parking arrangements are provided. These access and parking matters will be addressed in detail below.

7.3 Parking & Access

7.3.1 The single reason for refusal relates to the provision of insufficient space for the parking of two vehicles within the bounds of the application site and that the access width is insufficient to enable safe access to the site. These two matters will be addressed in turn with reference to the reports received from the Planning Authority, including the report from the Roads Department, the provisions of the Development Plan and having regard to the revised proposals as submitted by the appellants as part of their appeal submission.

7.3.2 Within the amended parking and access layout, the appellants have reduced the on-site car parking provision from two spaces to one space. Table 11.24 of the Development Plan sets out car parking standards for residential development. The specified standard for a two bedroomed dwelling is 1.5 spaces in Zone 1 (which the appeal site falls within). Given the standards are set out as maximum standards, the 2 spaces, as originally provided for, could be considered excessive. Therefore, one space, as now provided for within the appeal submission proposals, may be considered acceptable. The acceptability of the reduced car parking rate should be considered in light of proximity to public transport infrastructure and local services. The appeal site is located approximately 0.64 kilometres east of the Rathfarnham

Quality Bus Corridor, 0.3 kilometres from Orwell Park and within one kilometre of both Rathfarnham and Terenure Village centres. On balance, it is considered reasonable that one dedicated on-site car parking space is sufficient to cater for the two bedroomed dwelling. It is considered that the one space would be in accordance with the maximum car parking standards as set out in the Development Plan, and having regard to the proximity to a Quality Bus Corridor, and local services in the Rathfarnham and Terenure areas.

- 7.3.3 With regard to the width of the access, the revised proposals would provide for the widening of the existing vehicular access from 2.7 metres to approximately 5.5 metres. This would require the removal of an existing entrance pier and a section of the existing front boundary wall. A shared double access with number 93, would be provided for. The revised entrance arrangement would provide each dwelling with their own separate and private parking areas and front garden amenity areas. A raised kerb and galvanised railing would be provided to separate the two amenity spaces within the site frontages. The public footpath would be dished to provide for the widened access arrangement. I am satisfied that the revised shared double access, provides for sufficient width to develop a safe access arrangement for the existing and proposed dwellings, in accordance with the Development Plan standards.
- 7.3.4 Overall, with the revised parking and access arrangements, it is considered that the proposed development would not give rise to the creation of a traffic hazard and would provide sufficient parking space for the existing and proposed dwellings and would therefore, accord with the proper planning and sustainable development of the area..

7.4 Other Issues

- 7.4.1 There is an existing boundary wall along the eastern and northern boundaries of the appeal site bounding a pedestrian way that links Ballytore Road with Dodder Park Road. Where the existing boundary is to be altered/reinstated, the Local authority recommended that a low wall be provided with a railing on top in order to optimise the extent of illumination afforded to the narrow pedestrian passage. If the Board

deem appropriate, this is a matter that could be addressed by means of an appropriate planning condition.

7.5 Appropriate Assessment

Having regard to the nature and scale of the proposed development, the distance from 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

I recommend that planning permission be granted for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands in the South Dublin County Council Development Plan, to compliance with the development management standards for side garden development in the South Dublin County Development Plan 2016-2022, to the acceptable scale, layout and design of the dwelling, and to the revised parking and access proposals, it is considered that subject to compliance with conditions set out below, the proposed development would not result in the creation of a traffic hazard, or seriously injure the residential amenities of the area or of 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. 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 to the Board on the 19th day of August 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The applicant shall enter into water and waste-water connection agreements with Irish Water, Prior to the commencement of development.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details on intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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 amenities of property in the vicinity.

- 8 Prior to commencement of development details of a hard and soft landscaping plan for the site incorporating native/indigenous species shall be submitted to and agreed in writing with the Planning Authority. A timeframe for the implementation of the landscaping proposals shall also be submitted.

Reason: In the interest of visual amenity.

- 9 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.

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.

- 10 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the road and footpath, coupled with an agreement empowering the planning authority to apply such security or part

thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the public footpath and road in the interest of residential amenity and traffic safety.

- 11 a) A two-metre high screen wall or solid timber fence shall be erected along the curtilage of the reduced area rear garden of number 93 Ballytore Road.

b) Details of boundary treatments along the eastern and northern site boundaries shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To protect the residential amenities of existing and future residents of number 93 Ballytore Road.

- 12 The formation of the vehicular access to the site and the dishing of the public footpath shall be completed in accordance with the Proposed Entrance Plan details, drawing number 02A, as submitted to the Board on the 19th day of August 2020. These works shall be completed in full by the developer, and be subject to the written agreement of the Local Authority, and at no expense to the Local Authority.

Reason: In the interest of orderly development and traffic safety.

Fergal O'Bric,
Planning Inspectorate.

30th December 2020