



An
Bord
Pleanála

Inspector's Report

ABP-308021-20

Development	Construction of a single storey two-bedroom.
Location	11 Proby Sq. Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0410
Applicant(s)	Mercello O'Reilly + Rebecca Fleetwood
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	1) Tom Coogan and Grellan Shortall 2) Paul and Jennifer Sharkey
Observer(s)	None
Date of Site Inspection	1 st December 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. Proby Square relates to a block of housing that mainly comprises north and south facing rows of houses that back onto each other and a row of houses fronting Carysfort avenue. The appeal site is located on a corner site at the junction of north side of Proby Square (part of which is called Linden Vale) and Carysfort Avenue about 1km south of Blackrock Village centre. The area is characterised by a mix of house styles dating from the early 1900s (opposite the site) to the 1970s, (east of the site). Plots are typically quite large ranging in width from under 7 m for the older houses to almost 14m for the more modern dwellings.
- 1.2. The original plot associated with No 11 is large at around 19m x 58m and this proposal subdivides the original rear garden which presently is a fenced off lawn and an unmarked car parking area ancillary to the medical practice in the original house. The subject development site is substantially fenced off from the original plot.
- 1.3. The proposed development site of 14.5m x 18m relates to the end of the back garden (substantially a garden lawn). The original house has been extended with an L shaped single storey extension which wraps around the side and rear. (history files attached). Vehicular access in the northern Proby square frontage provides access to the small carpark in the rear garden area which is partially hard surfaced. This car park area partially overlaps and bounds the subject site to the west. The eastern side of the site (rear boundary of the original plot) forms the side boundary of 21 Linen Vale and the south boundary is part of side garden wall of the adjacent dwelling at 12 Proby Sq. (fronting Carysfort avenue),
- 1.4. There is on street parking available along the northern site frontage of No.11 where the footpath is indented in addition to the off-street parking along Carysfort Avenue frontage. There is a disabled space immediately fronting the no.11. there is a pedestrian only entrance on Carysfort Avenue and the front garden is maintained as a landscaped area.
- 1.5. A two-way kerb segregated cycle lane occupies the opposite side of Carysfort Avenue in the vicinity of the site and there is no on-street parking on that side of the road.

2.0 Proposed Development

2.1.1. The proposed development comprises the following:

- Sub-division of the site.
- Construction of a 75 sq.m. single storey two-bedroomed detached dwelling in a contemporary minimalist style.
- Open space is provided in to rear at about 48sq.m. to which there is bedroom access.
- The front door is proposed on the Proby Square frontage.
- Accommodation is proposed to provide a 14.7 sq.m. bedroom and separate bathroom at ground level and kitchen living space at first floor level.
- New vehicular access is proposed.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to conditions.

- Condition 5 limits vehicular entrance to 3.5m and restricts front boundary wall to a height of 1.1mm
- Condition 6 restricts exempted development

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report refers to :

- Acceptable modern design approach which is noted to be different that the previously proposed.
- Having regard to the low height and design a set back it is not considered to result in overlooking or detract from the streetscape.
- Brick rather than wood cladding is preferable in event of permission.
- The design and layout accords with the standards in Quality Housing for Sustainable Communities.

3.2.2. Other Technical Reports

- Drainage Division - Engineering Department - further info. required.

- Transportation Planning Division – No objections subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no objection subject to conditions

3.4. Third-Party Observations

A number of objection submitted raised concerns substantially about:

- Impact on car parking and traffic safety particularly with development of cycle lanes and reduction of on-street car parking for existing residents, loss of privacy, nuisance regarding services, boundary treatment (1.6m high at points) design does not reflect character of the area
- Breach of building line

4.0 Planning History

4.1. 11 Proby Square.

- 4.1.1. An Bord Pleanala ref: 223414 (attached) refers to refusal of permission in 2007 for a single storey house and double garage in rear garden for reasons based on:
- Breach of building line / visual obstruction
 - Overdevelopment due to narrowness/configuration, proximity to south and east boundaries and inadequate rear garden depth
 - Injury of visual amenity of adjoining houses
- 4.1.2. An Bord Pleanala ref: 201379/ PA ref.D02A/0775 (attached) refers to permission in 2003 for a single storey extension of 65 sq.m. at 11 Proby Sq. and involves the re-organisation of the surgery layout. This proposal also included setting back of boundary to facilitate re-organisation of public car parking spaces and installation of bollard.
- 4.1.3. Planning Authority ref. D14/0707 refers to permission for single storey extension (16 sq.m.) at 11 Proby 16 Sq.m to extend the waiting room area.
- 4.1.4. Planning Authority D08A/691 refers to permission for change of use from residential to commercial at first floor and attic level

4.1.5. An Bord Pleanála 06D.111819. PA ref D99A/0233 refers to refusal of permission for alterations and additions to the existing group medical practice at 11 Proby Square in 1999 for reasons based on

- scale of development
- use of front garden for car parking
- injury of amenities of adjoining property
- traffic congestion.

4.2. **Adjacent site**

4.2.1. Planning Authority ref D13B/0266 and D078/0049 refer to permissions for domestic extensions at 12 Proby Square.

5.0 **Policy & Context**

5.1. **Development Plan**

- The objective for the site is 'To protect and/or improve residential amenities.' (A)
- The development plan advocates densification of the suburbs in line with national strategy. (Section 2.1.3.4)
- **RES4** 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.
- **Chapter 8** sets out housing standards - as cited in planning authority report.
- **Section 8.1.1.1. Urban Design Policy UD1** sets out that all development is of high-quality design that assists in promoting a 'sense of place'.
- **Section 8.2.3.4 (vii)** refers to infill sites. Such proposals shall be considered in relation to a range of criteria including respecting the massing and height of existing residential units. Larger corner sites may allow for more variation, but a more compact context may require a design that closely relates to existing. A modern siding response may be more appropriate to avoid pastiche.
- **Section 8.2.3.1** refers to the objective of the Council to achieve high standards of design and layout and to foster and create high quality, secure and attractive places for living.

- **Section 8.2.3.5** refers to the general requirements for residential development including habitable room sizes.
- **Section 8.2.4.9 (i)** refers to the minimum width of 3m and maximum of 3.5m required for vehicular entrances.

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. Two third-party appeals have been lodged and are based on the following grounds:
- Intensification of use of no.11 and associated generation of car parking demand: the expansion for Carysfort Clinic is outlined from its origins as a family GP to being a multi-disciplinary clinic with dental, physio and sports and medicines as part of range of its services. It is estimated that the 6 consulting rooms need a 12 car park spaces. It is submitted that the reduction in the site associated with development will compromise provision of adequate car parking which will have a serious impact on on-street parking and amenities of established residents. It is submitted that it is unclear as to what car parking is approved for no.11 and that the proposed development could potentially reduce it by 50%.
 - This is compounded by the displacement of car parking along Carysfort avenue consequent on the cycle lane and loss of on-street car parking.
 - The appellants seek clarification of compliance with car parking conditions for the whole site prior to any grant of permission for development on a potential car parking area.
 - Party wall ownership issues between no 21 Linden Vale and the site.
 - Concerns about potential structures on the flat roof.
 - Concerns about extent of consideration by PA of use and development on the site.

- It is clarified that the house at no.11 is a 3-storey dwelling with a 4-bed apartment at attic level. There is no reference to the open space or car parking (which should be 2 spaces) for this dwelling.
- It is emphasised that the site is over reliant on-street car parking.
- A bedroom window at 1.6m from a boundary would result in potential overlooking.
- In the event of permission, use should be restricted to single residential unit and should not be a commercial unit.

6.2. Planning Authority Response

- 6.2.1. The grounds of appeal are not considered to raise any new matters that would warrant a change in its decision.

6.3. Applicant's Response

- 6.3.1. The agent for the applicant states by reference to the planning authority report how the proposed dwelling in this established residential area complies with development plan policy in respect of zoning, sustainable development, housing standards and detailed design. The issues concerning the Medical centre are considered a separate matter that could, it is suggested, be addressed by compliance or a separate planning application.

6.4. Observations

- 6.4.1. None received.

7.0 Assessment

7.1. Issues

- 7.1.1. This appeal relates to a proposal for a modest single storey two-bedroom dwelling in the rear garden of 11 Proby Square which is a large corner site. The original dwelling is used primarily as a multi-disciplinary medical clinic with a residential unit. The original garden is partly used as an ancillary car park and the subject site relates substantially to a fenced off lawn and what appears to be part of the parking area. There is no issue with the proposed dwelling in terms of design and layout with the

exception of the fenestration/boundary details. From inspection and review of the file, the issues substantially relate to:

- Intensification of use and Car parking
- Privacy

7.2. Intensification of use and car parking

- 7.2.1. The key issue in this appeal relates to the consequent lack of provision of car parking spaces as a consequence of the proposed subdivision and potential loss of a car parking area for the medical practice. The concern is underlined by the establishment of 6 clinics and intensification of clinic use and the need for 12 car parks spaces in addition to a 4-bed apartment and its need for 2 car park spaces and private open space. The consequence of a shortage of car parking resultant from the subdivision is anticipated to result in an excessive demand for on-street car parking and impact on the amenities and safety for residents in the area.
- 7.2.2. During my inspection I noted that part of the subject site was used for car parking associated with the Medical centre. I noted a steady turnover of cars although the car park was not full and there was also some availability of on-street parking spaces in the vicinity of the site. It should be noted however that inspection was at a time when visiting a clinic was and presently continues to be restricted and limited where possible to telephone consultation. The residents are concerned about on-street parking availability and congestion and in this regard I note that the houses along Linden Vale have off-street parking while the older houses rely more so on on-street parking. Notwithstanding the availability I accept that the reduction in car parking consequent on intensification of use of the medical centre may displace some car parking in addition to that displaced by the cycle lane and is therefore likely to result in some conflict between local residents and patients visiting the clinic.
- 7.2.3. I note in the history file previously before the Coard that were details of traffic management proposals which involved the provision of on-street parking and that this related to addition surgeries and staff rooms. It would appear based on the submission that there is an overlap of the site and potential car parking and that the ultimately it is not entirely clear, whether or not car parking has been provided in compliance with permissions and consequently, whether or not it will be impacted

upon by construction of the proposed house under appeal. While I accept that intensification and compliance is matter for enforcement I consider the implication of loss of part of the site ancillary to the medical centre is a material consideration. While the proposed house is in itself of adequate standard, I am inclined to agree with the appellants that impact on the whole site, which may be irreversible if reliant on enforcement, is a salient issue. I do not agree that the subdivision of the site can be considered in isolation particularly as the part of the site is used as a parking area. Accordingly in these circumstances I consider the approach of site splitting to amount to piecemeal development.

7.2.4. In addition I consider the issue of private amenity space needs to be assessed to ensure that the proposed development would not result in any substandard residential accommodation for existing residents of no.11 by reason of deficient private open space.

7.2.5. While the Board may give consideration to inviting revised proposals, I consider that in view of the site delineation, a fresh application is a more appropriate and transparent approach to addressing the overall development of the site and adherence to proper planning and sustainable development of the area.

7.3. **Privacy**

7.3.1. The residents of the adjoining house to the south of the site are concerned about a window a 1.679m from the boundary of their house which was constructed in the 1940s. Presently the boundary is mature however in the event of removal of trees this would potentially open up the rear of no.12. While I note the previously reasons for refusal in this regard, I would point out that the introduction of an enclosed residence with permanent screen will have the benefit of buffering the rear of no.12 from partially exposed site by reason of its ancillary nature to a medical clinic and public access. This I consider is a material change in circumstances that that prevailing in the previous case before the Board.

7.3.2. I would also further point out by way of comparison with the previous proposed house that in this case the house is reduced from 156 sq.m. to 75sq.m, the design has been modified and bulk has been minimised particularly by way of a flat roof design and reduced scale. The context has also changed by the expansion of the

original house to the side and furthermore, the criteria for assessing infill housing also encourages intensification of serviced land and regard to qualitative issues rather than just garden depths and such like. Accordingly I consider the issue of privacy and impact on amenity can be reasonably addressed by standard boundary treatment and the omission or obscuring of the south facing bedroom 2 window and that this does not constitute reason for refusal of permission.

8.0 **Appropriate Assessment**

- 8.1. 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, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

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.

Reasons and Considerations

- 1 It is considered that the proposed site as delineated and which is partially relied upon as an ancillary area for a medical clinic and residence would result in substandard development by reason of deficiency of private open and a shortfall of car parking for existing development on the site. Accordingly, the Board is not satisfied that the proposed development would not result in piecemeal development that would be prejudicial to public safety by reason of traffic hazard and that it would not seriously injury amenity of occupants of the residence on site. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area

Suzanne Kehely

Senior Planning Inspector

30th December 2021