



An  
Bord  
Pleanála

## Inspector's Report ABP-308456-20

---

<b>Development</b>	Construction of a two-storey dwelling in the rear garden of an existing dwelling.
<b>Location</b>	124 Templeville Drive, Templeogue, Dublin 6W.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20A/0190
<b>Applicant(s)</b>	Susanne & Barry Coleman
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Susanne & Barry Coleman
<b>Observer(s)</b>	(1) Lar Keogh (2) Paul & Áine McLaughlin (3) Michael Kelly (4) Dan Bradley (5) Des & Norah Chew (6) Mr. & Mrs Anthony Holden

**Date of Site Inspection**

9<sup>th</sup> December 2020

**Inspector**

Fergal Ó Bric.

## 1.0 Site Location and Description

- 1.1 The site, with a stated area of 0.078 hectares, comprises part of the curtilage of number 124, Templeville Drive Dublin 6W –a corner site, comprising a detached dormer dwelling house with a single-storey kitchen/living room extension to the side (east) and rear. The site is located on the northern side of Templeville Drive. The front door of the dwelling is on the eastern gable (side) of the dwelling. There is on-site parking to the eastern side of the existing house, with sufficient space to park two cars. The site slopes gradually downhill from west to east.
- 1.2 To the south-west of the site is number 124, Templeville Drive (parental home), to the west is the rear private amenity spaces associated with number 124, to the east and south-east is the local service road serving the Templeville Drive residential development, from which the site is accessed. To the north is the private rear amenity space associated with number 48 Templeville Drive. The roadside boundary comprises a block wall and timber fence affixed to it at a height of approximately 2.1 metres, to the north and west (existing rear garden perimeter boundary of number 124) is a walled and planted boundary at a height of approximately 1.8 metres.

## 2.0 Proposed Development

- 2.1 Permission is sought to construct a detached three bedroomed dwelling house, (one hundred and ninety-nine square metres, (sq. m.)), within the rear garden space of number 124, Templeville Drive. The development would provide for:
- The remodelling of the existing house from a three bedroom to a two-bedroom house,
  - The reduction in floor area of the existing house from 145 sq. m to 122 sq. m.,
  - Construction of a two storey three-bedroom dwelling to the rear of the house with new vehicular entrance to the side road and two off-street car parking spaces,
  - Diversion of surface water drain.

2.2 The appellants submitted a number of accompanying reports as part of the planning documentation including an access, sightline and parking report including auto-track drawing, a planning report and an engineering services report.

### 3.0 Planning Authority Decision

3.1. By Order dated 22nd September 2020, South Dublin County Council (SDCC) issued a Notification of decision to refuse planning permission for seven reasons, which can be summarised as follows-

1. The proposed dwelling, by reason of the location of the proposed first floor windows and proximity of private rear amenity space to the east, would represent an unacceptable level of overlooking and loss of privacy to the residents of number 122 A and their rear amenity space. The proposed development would, therefore, seriously injure the amenity of property in the vicinity and would be contrary to the RES zoning objective for the area, which seeks to protect and/or improve residential amenity and would therefore, be contrary to the South Dublin County Council Development Plan (2016-2022) and the proper planning and sustainable development of the area, the Development Plan and the proper planning and sustainable development of the area.
2. The proposed dwelling, by reason of the loss of rear garden space for the existing dwelling, number 124, would result in a poor overall quality and quantity of remaining private amenity space for the existing residents to the detriment of their amenity. The proposals would also result in a structure that would have an excessive height in close proximity to the proposed shared boundary, and rear amenity space of number 124. The proposals would therefore be contrary to Section 11.3.1(iv) of the South Dublin County Council Development Plan (2016-2022), would seriously injure the amenity of property in the vicinity and contrary to the RES zoning objective for the area which seeks to protect and/or improve residential amenity and the proper planning and sustainable development of the area.

3. The development, by reason of its excessive height, depth and proximity of the structure to the rear habitable room windows and private amenity space proposed under application SA20A/0191 located to the south, would result in a significant and material loss of light, overshadowing and unacceptable sense of enclosure to the detriment of the amenity of future occupants. The proposals would therefore be contrary to Section 11.3.1(iv) of the South Dublin County Council Development Plan (2016-2022), would seriously injure the amenity of property in the vicinity and be contrary to the RES zoning objective for the area which seeks to protect and/or improve residential amenity and the proper planning and sustainable development of the area.
4. The proposed development, by reason of the proposal to share amenity space between residents and vehicles due to the restricted nature and lack of manoeuvrability within the site, would result in a poor quality and quantity of private amenity space to the detriment of the amenity of future occupants. The proposals would therefore be contrary to Section 11.3.1(iv) of the South Dublin County Council Development Plan (2016-2022), would seriously injure the amenity of property in the vicinity and be contrary to the RES zoning objective for the area which seeks to protect and/or improve residential amenity and the proper planning and sustainable development of the area.
5. The proposed development, by reason of the scale, layout and proximity to the existing dwelling and proposed dwelling, under SD20A/0191 to the south, would result in an overbearing and cramped feature, that would detract visually from the suburban character and established pattern of development in the area. The proposals would therefore be contrary to the RES zoning objective for the area which seeks to protect/ and/or improve residential amenity and would therefore, be contrary to the South Dublin County Council Development Plan (2016-2022), and the proper planning and sustainable development of the area.
6. Having regard to the proposed location of the vehicular entrance in the immediate vicinity of a high boundary wall, it is considered that the proposed development would endanger public safety by reason of a traffic hazard.

7. The Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development could be implemented successfully given the overlapping red line boundaries between this application and application SD20A/0191. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Surface Water Drainage: No objections, subject to conditions.

Parks Department: No objection, subject to conditions.

Roads Department: Refusal recommended

## **3.3. Prescribed Bodies**

Irish Water: No objections, subject to conditions.

## **4.0 Planning History**

Within curtilage of 124 Templeville Drive:

Planning Authority reference number SD20A/0191, In 2020, a planning application for development within the side garden space of number 124 Templeville Drive. The development would comprise the demolition of an existing domestic garage and the construction of a two bedroomed detached dormer dwelling, new vehicular access, two off-street car parking spaces and associated site works. This application was refused planning permission by the Local Authority and was recently granted planning permission by the Board under reference number ABP 308458-20.

Planning Authority reference number SD19A/0193. In 2019, planning permission was refused for the re-modelling of the existing dwelling from a three-bedroom to a two-bedroom house, to demolish existing garage and construction of a two storey three bedroomed dwelling to the rear of the site, new vehicular access from the side road, two off-street parking spaces and associated site works. There were three reasons for refusal which can be summarised as follows: Proximity of development to surface water sewer and would therefore, be prejudicial to public health;

Inadequate sightlines and would be harmful to residential amenities and establish an undesirable precedent.

Planning Authority reference number SD18A/0311. In 2018, planning permission was refused for the re-modelling of the existing dwelling from a three bedroom to a two-bedroom house, to demolish existing garage and construction of a two storey two bedroomed dwelling to the side, reinstatement of front gate and on-site parking, a two-storey three bedroomed dwelling to the rear of the site, new vehicular access from the side road, two off-street parking spaces and associated site works. There were three reasons for refusal which can be summarised as follows: Scale and layout would represent an overdevelopment of the site and piecemeal development which would be out of character with the pattern of development in the area. The proposals would be injurious to residential amenity, fail to respect the building line and be contrary to Section 11.3.2 of the Development Plan and contravene the RES zoning objective of the site: Unsatisfactory foul water, water supply and surface water arrangements and undesirable precedent and be harmful to residential amenities in the area.

## **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 (iii) of the Plan pertains to backland development and sets out the following:

- Be guided by a site analysis process in regard to the scale, siting and layout of development.
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area.
- Development that is in close proximity to adjoining residential properties should be limited to a single-storey, to reduce overshadowing and overlooking.
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.

Chapter 2, Housing Policy H17-Residential consolidation where the policy is: To support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

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.

## 5.3. **Environmental Impact Assessment - Preliminary Examination**

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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A first party appeal by Manahan Town Planning Consultants on behalf of Susanne and Barry Coleman, was received by An Bord Pleanála on 19<sup>th</sup> day of October 2020, and can be summarised as follows-

Principle of Development:

- The principle of development would be acceptable as per the residential zoning objective and in terms of supporting the densification of the suburbs in built-up areas where services and public transport is available.
- The proposals comply with the provisions of Section 11.3.2 of the Development Plan regarding garden/backland development.



- Complies with specific policy H17 of the Development Plan.

#### Other Issues:

- The proposal would allow Rachel Coleman, daughter of the owners of number 124 to construct a dwelling in the side garden, and for her parents to move into a new dwelling in the rear garden space and for the existing parental home to be disposed of.
- There is no difficulty in implementing both permissions, if granted.
- The issue of surface water has been addressed by the appellants Consultant Engineers and the Local Authority Drainage Engineers have raised no objections to the servicing proposals.

#### Access and Parking:

- A copy of an e-mail from the SDCC Roads Department to NRB Consultant Engineers states that the issues raised in the previous outline planning application, reference number SD19A/0193 have been overcome.
- The proposal allows cars to turn and manoeuvre on-site, rather than the drive-in/reverse out or reverse in/drive out scenario, that prevails within most of the neighbouring properties.
- Two car parking spaces are provided for the proposed three-bedroom dwelling house in compliance with Development Plan standards.
- The traffic flow on Templeville Drive is low and the area is subject to a 30 kilometre per hour speed control zone.

#### Design and Layout:

- All relevant house design standards in accordance with the Development Plan are achieved.
- The design is respectful of the character of the area, providing a contemporary approach, which is provided for within the Development Plan.

- The contemporary design is provided for within Section 11.3.2 of the Development Plan and would be complement adjoining house types, it provides for off-street parking and private rear amenity space, consistent with the pattern of development in the area.
- The dwelling has been specifically designed to ensure that no overlooking or overshadowing would arise.
- The house has been designed in order to achieve optimal levels of sustainability, with an A2 BER energy rating to be achieved in the new build.
- The site is sufficiently large to accommodate an additional house.

#### Residential Amenity:

- The issue of overlooking from the proposed first floor bedroom windows has been addressed with the insertion of timber/aluminium fins within the bedroom window opes.
- The proposals would not adversely impact upon the residential amenities of neighbouring properties and visual amenities of the area.
- Adequate private rear amenity space would be provided for the proposed and existing dwelling in accordance with Development Plan standards.
- The specific design would ensure that no additional overlooking would arise over and above that which already exists.

## 6.2. Planning Authority Response

A response was received from the Planning Authority received outlining the following:

- The Planning Authority confirms its decision.
- The issues raised within the appeal have been covered in the planner's report.

### 6.3. Third Party Observation(s)

Six third-party observations were received from neighbouring residents, who reside at numbers 48, 122A, 126, 128, 133 and 134 Templeville Drive, to the north, east and west of the appeal site, and can be summarised as follows:

#### Design and Layout:

- The proposals represent an over-development of the overall site of number 124, Templeville Drive.
- The development of one house within the curtilage of number 124 or a pair of semi-detached dwellings would be acceptable in principle.
- The precedent of developing a residential property has been established in the area at number 122A, Templeville Drive. However, the current proposal by reason of its design and overly complex roof profile would create a visually incongruous feature in the context of the adjoining properties.
- The area consists of traditional vernacular dwellings set out in a back-to-back configuration with a minimum of 22 metre separation distances. The dwellings respect the established building line, and the dormers provide a single aspect looking onto the internal service road.
- Overlooking of the property at 122A, Templeville Drive would arise from the first-floor bedroom window, in spite of the proposal to insert fin detailing within the windows.
- No contiguous elevations showing both of the proposed dwellings within the curtilage of number 124 in their context have been submitted.
- No combined/overall site plan showing the full extent of the proposed two dwellings within the curtilage of number 124, has been submitted.
- The appellants have offered no material revisions to their proposals.
- No precedent exists in this area, whereby two dwellings have been developed in side/rear gardens of an existing dwelling.

- Proposals are contrary to Section 2.3.1 of the Development Plan, regarding residential design and layout. The proposals would substantially modify the character and pattern of development in the area.
- Proposals are contrary to section 2.4.0 of the Development Plan, regarding Residential infill, sub-division and corner sites, and was refused planning permission for the second time by SDCC for an almost identical development in 2019.
- The cumulative proposals on site represent overdevelopment and fail to adhere to the standards set out in Section 11.3.2 of the Development Plan, which sets out the criteria for backland and infill sites.
- Window fins would not prevent overlooking, their purpose is to manage the quantum of sunlight received in a room.
- The design is out of character in this area.
- There is no consistency in the design approach in terms of a mishmash of external finishes and varying window sizes.
- If planning permission is to be granted, a single storey dwelling should be presented, and the butterfly style roof design omitted.
- Proposals would be contrary to Section 11.3.2(iii) of the Development Plan where it sets out that: development in close proximity to adjoining residential properties should be limited to a single storey, to reduce overshadowing and overlooking.
- The proposals should be assessed as a backland development given the development would be located to the rear of an existing property, at number 124.
- The re-design of the layout from that previously refused by the Planning Authority on two previous occasions in 2018 and 2019, has resulted in the re-allocation of the negative impacts from impacting upon number 48 to now impacting to a greater extent upon number 124, the development within the side garden of number 124 and number 122A on the opposite side of the local service road.

#### Residential Amenity:

- The proposals would detract from the residential amenities of the observer's property by reason of overshadowing, overlooking and visual overbearing and therefore contrary to the residential zoning objective.
- The reduction in height of the front boundary wall along the link road would allow a full view of a proposed three storey dwelling and adversely impact upon the visual amenity of the streetscape.
- The third-floor windows should be removed, in the event that planning permission is to be granted.
- The proximity of the dwelling to the existing house would create a visually overbearing aspect and overshadow the existing house and rear amenity space of number 124 by virtue of the proximity of the proposal to the existing property.
- The proposed dwelling would be located 85 centimetres of the rear garden boundary that would be created with number 124, Templeville Drive.

#### Other Issues:

- There seems to be an inconsistency of approach by the SDCC drainage engineers as the house refused permission under planning Authority reference number SD19A/0193 is the exact same as that sought under SD20/0191, both within three metres of the 225mm surface water sewer, yet the subsequent application was not refused on the grounds of impacting upon the maintenance of the sewer line, yet this was used as a refusal reason in the 2019 application. Would the reason for refusal still stand to scrutiny given no material change in circumstances have occurred?
- The diversion of the foul sewer into a dysfunctional sewer on the main road which has been prone to blockages is contrary to the protection of public health.
- The proposal to outfall to the public surface water sewer which is deficient in capacity is likely to increase the risk of flooding locally.

- The communication between the road's engineers and SDCC did not form part of the formal pre-planning discussions.
- The proposed house fails to meet the safeguards and standards as set out in Chapter 11 of the Development Plan, regarding Development Management standards.
- There have been previous refusals of planning permission by SDCC to develop houses within the curtilage of number 124, Templeville Drive.
- There is an overlap of the redline application site boundary between the two concurrent appeals within the curtilage of number 124, and this raises concerns regarding the implementation of both permissions, if permitted.
- Each planning application should include a combined layout for the concurrent planning applications.
- The appellant's quotation from a historical planning report is not relevant in this instance as there are material differences between the two historical proposals and the current proposal.
- The proposals represent a cumulative over-development of the overall site, by solving one issue from the previous refusals, they create other problems.
- Proposed development would be out of character in the area. If number 124 is to be disposed of, as set out within the appeal submission, it could lead to issues over the ownership of the parking and access to number 124 and the dwelling in the side garden.
- The previous reasons for refusal as set out by the Planning Authority should be upheld by the Board.
- The proposals would result in a devaluation of neighbouring residential properties.
- The proposals are contrary to policy objective H17 of the Development Plan and also to the underlying RES zoning objective, by reason of its scale, layout and proximity to the existing dwelling.
- The development at number 122A permitted by the Board under planning reference number PL065.216924 was for the development of a 90 sq. m

dwelling on a site area of 352 sq. m, as opposed to the current proposals for a 199 sq. m dwelling in a modest rear garden plot.

- The proposed development would cause increased traffic congestion during construction, with concrete, and block deliveries as well as other building material deliveries and a construction management plan would be required to be developed for any construction phases.
- Noise, dust and vibration impacts would need to be mitigated and construction working hours should not commence before 8am.

#### Access & Parking:

- Visibility at the proposed access point is restricted, a point made by the Local Authority Roads Engineers.
- There is on-street parking on the opposite side of the link road (as there are no yellow lines restricting parking at this point) on the link road which reduces the carriageway width of the access link road to cater for another domestic entrance point.
- Car access to the site must be made safe for pedestrians and children walking to the two local primary schools.
- The practicality and functionality of the entrance and parking area and the ability of vehicles to manoeuvre safely within the site is questionable.
- Part of the internal site manoeuvring required for cars turning encroaches upon the private rear amenity space.
- Issues of noise dust, vibration, impact upon the adjoining footpath, hours of construction have not been addressed.

## 7.0 Assessment

### 7.1. General Comment

The principle of erecting a house in the side garden of number 124 Templeville Drive is not at issue in this instance, rather the positioning of the house, its design and

layout, access and parking. The following are therefore considered to be the principal planning issues that arise from the appeal and observer submissions:

- Principle of Development
- Layout and Design
- Residential Amenity
- Access & Parking
- Other issues
- Appropriate Assessment

## **7.2. Principle of Development**

7.2.1 The site is zoned residential as per the Development Plan where the zoning objective is: To protect and/or improve residential amenity. Therefore, the principle of the development would be acceptable 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 proposals are presented. These matters will be addressed in detail below.

## **7.3. Layout & Design**

7.3.1 The design proposed is of a two-storey contemporary style dwelling, not consistent with the established design in the area, but nonetheless provided for within the Development Plan. The proposed dwelling would be set back approximately 3 metres from the edge of the public footpath, Separation distances from the neighbouring boundary would be 0.85 metres to the south, which is shared with number 124, Templeville Drive and the proposed dwelling in the side garden of number 124. The proposed dwelling would be approximately 4 metres metres from the from the western (rear) boundary wall and 6.5 metres from the northern (side) boundary wall.

7.3.2 The design as presented, represents a bespoke design, and contemporary designs are provided for within Section 11.3.2 of the Plan for infill/garden sites. Section 11.3.2(iii) sets out that where a dwelling would be located in proximity to adjoining residential properties, that a single storey design should be presented. In this regard,



the difficulty lies with the proximity of the property to the south being only 0.85 metres away from the party boundary with number 124. The proposed dwelling would be located within approximately 6 metres of the rear elevations of the existing property at number 124. The north elevation of number 124, comprises a ground floor kitchen window, which could be impacted upon with the construction of the proposed dwelling, with a southern gable reaching a maximum ridge height of 7.5 metres and the gable width of 12.2 metres. The proposed two-storey dwelling, in close proximity to the boundary of number 124 and to the existing single storey return on the rear of number 124, could compromise the daylight/sunlight afforded to the kitchen area of the existing house.

7.3.3 Contiguous elevations have been submitted by the appellants; however, these plans fail to illustrate the current proposals in tandem with the proposals considered by the Board under 308458-20, the plans instead show the proposed development being contiguous to the eastern gable (as would be modified) on number 124, Templeville Drive. Another of the requirements set out with Section 11.3.2(ii) is that the architectural language of the development should respond to the character of adjacent dwellings and create a sense of harmony. The floor area of the proposed house would be 199 sq. m. The proposed dwelling would be constructed in close proximity to the southern site boundary – leaving just a narrow passage to the south. The mono-pitch roof of the two-storey elements would have a maximum height of approximately 7.5 metres. The size and extent of the proposed southern gable would render it domineering and over-bearing when viewed from northern elevation of number 124 and would now be met with a two-storey largely blank gable wall. The form and design of the proposed dwelling would be out of character with the established pattern of development in the area, and in this instance would be considered contrary to the proper planning and sustainable development of the area

7.3.4 The proposals to re-model the existing dwelling on site (number 124) from a three bedroomed house to a two bedroomed house and the subsequent reduction in floor area to 122 sq. m, is considered acceptable given the modifications would not adversely impact upon the amenities of the neighbouring residential properties by virtue of overlooking or overshadowing.

7.3.5 Overall, in its current form, it is considered that the proposed rear garden development would have an adverse impact upon the visual amenity of the area,

would be contrary to the provisions of Section 11.3.2 (iii) of the Development Plan, given its height, form and overly complex roof profile would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **7.4. Residential Amenity**

- 7.4.1 Regard is had to matters raised by the Planning Authority and the observers with respect to the proposed dwelling being overbearing from the perspective of the dwellings to the south, at number 124, Templeville Drive, due to the height, proximity and form of the proposed dwelling.
- 7.4.2 No daylight/sunlight analysis has been submitted by the appellants in support of their proposals. At present number, the northern and eastern elevations of number 124 would benefit from morning sun and sunlight up to the early afternoon and with the construction of the new dwelling, the sunlight of sunlight received on these elevations of number 124, would be restricted, however the extent of the sunlight restriction has not been addressed by the applicants due to the absence of the daylight/sunlight assessment. The applicants make a statement within their planning appeal that no issues of overshadowing or overlooking arise. However, in an urban context, and especially where there could be a cumulative development of up to three dwellings within the curtilage of one site, the submission of a daylight/sunlight analysis would be of great importance, given the proximity of the proposed dwelling to its southern boundary with number 124, Templeville Drive. I, therefore, consider that this issue has not been addressed satisfactorily within the planning documentation submitted, in that the applicants have not demonstrated compliance with the underlying zoning objective, in terms of protecting/improving residential amenity. Having reviewed the documentation submitted, I consider that the proposals could have an adverse impact upon the residential amenities of the neighbouring property to the south by reason of overshadowing and loss of light. It is therefore, considered, that due to the orientation of the appeal site, the height, form and proximity of the proposed dwelling to the existing and permitted dwellings, that the proposals could adversely impact upon the residential amenities of the neighbouring properties to the south by virtue of overshadowing and loss of light.
- 7.4.3 In term of overlooking, it is noted that the appellants would have three large bedroom window serving a bedroom at first floor level on the side/front (south/eastern

elevations). Within an urban environment, an element of overlooking is inevitable. The question is whether the extent of overlooking would unduly impact upon neighbouring amenities. However, given, the modest separation distances, from the nearest part of the proposed dwelling to its side (southern) boundary walls, which would comprise a two-metre-high boundary wall, any overlooking would be of the northerly parts of the existing and proposed neighbouring rear garden spaces and the single storey kitchen extension to the rear of number 124. I am therefore, not satisfied that the proposed design and layout, will adequately respect the amenities of the existing/proposed neighbouring residential properties in the vicinity of the site given the limited separation distances proposed. It is considered that the proposal would result in an adverse impact upon the amenities of Number 124, Templeville Drive and the permitted dwelling within the side garden of number 124, by reason of overlooking from the dual aspect south/east facing first-floor bedroom windows, which would be located approximately 0.85 metres from the proposed side (southern) boundary.

- 7.4.5 Section 11.3.1 (iv) pertains to development standards for dwellings. The minimum floor area for a three bedroomed dwelling is 60 sq. m, which the current proposals exceed. The minimum private open space area for a three bedroomed dwelling is 60 sq. m. As per the Site Layout Plan submitted, the private rear garden space is stated to be 110 sq. m. It is apparent that the measurements would provide for a rear private amenity space that would comply with the Development Plan standards.
- 7,4,6 Overall, in its current form, it is considered that the proposed development would have an adverse impact upon existing and neighbouring residential amenities by reason of loss of light and overshadowing, limiting the quantity and quality of amenity space and would diminish the residential amenity of existing residents within number 124 and the future occupants of the dwelling in the side garden of number 124, to the south, so as to warrant a refusal of permission. Having regard to the location of the site to the rear of an existing/proposed dwelling and in close proximity to an existing/proposed dwelling to the south, it is considered that the proposed development, by reason of the height, form and proximity of the two-storey southern gable element would seriously injure the future residential amenities of the occupants of the proposed dwelling, by virtue of the inadequate quantity of private amenity space and would,

therefore, be contrary to the underlying RES zoning objective and with the proper planning and sustainable development of the area.

## **7.5. Access and Parking**

7.5.1 Two of the refusal reasons set out by the Planning Authority related to parking and access proposals. In relation to the parking, two on-site car parking spaces are proposed to serve the proposed dwelling, which complies with the car parking standard as set out within the Development Plan. The quantity of on-site parking proposed is considered acceptable and in accordance with the Development Plan standards. It is also noted that there are a number of bus stops (numbers 2401 and 2402, route 54A), north of the site, along Templeville Road, within 500 metres of the site. An auto-track analysis has also been submitted demonstrating that there is adequate space on site to manoeuvre and turn cars on site even when two cars would be parked within the site curtilage. I note that the turning manoeuvres would encroach upon the rear private amenity space. However, I am satisfied that adequate parking provision and internal manoeuvre space has been provided as per the planning documentation submitted and that adequate private rear amenity space would also be maintained.

7.5.2 The entrance width proposed is approximately five metres, this width is considered adequate to serve the proposed dwelling. The existing front boundary wall and fencing is approximately 2,1 metres in height and would be removed for a distance of approximately 30 metres (in a southerly direction) to provide for the entrance and the visibility splay. I note the concerns raised by the road's engineers within SDCC, in terms of limited visibility in a north-easterly direction, however, the re-location of the entrance point in a southerly direction within the site frontage would address this concern, if necessary. I am satisfied that revised access proposals could be provided within the site boundaries that would accord with best practice in terms of road safety and access onto the internal service road. I consider that local traffic and pedestrian safety would not be compromised by traffic accessing/egressing from a revised domestic entrance point, further south of the current proposal, having regard to the 30km/h speed control zone in the area.

## **7.6. Other Issues**

7.6.1 I note that the servicing of the site was included as a reason for refusal within previous planning application on the site. However, the applicants have modified the site layout and a wayleave over the surface water sewer which would be diverted is proposed, which is to the satisfaction of the Water Services Section of the Local Authority. Irish Water have also raised no objections to the servicing proposals. Therefore, I consider the servicing proposals to be acceptable in this instance.

7.6.2 From the planning history of number 124, it is noted that previous planning applications were submitted seeking the construction of two additional dwellings within the curtilage of number 124. The current proposal involves the submission of separate but concurrent planning applications for the development of two dwelling units within the curtilage of number 124. As per Section 22 of the Planning Act 2000, (as amended), this is acceptable in theory, I would have concerns given that there is considerable overlapping of the red line application site boundaries and some inconsistencies between the proposals, particularly in relation to the proposals for the existing single storey rear extension to number 124, which would be demolished under the current proposal, and would remain under appeal reference number, 308458-20.

## 7.7. **Appropriate Assessment**

7.7.1. 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 refused for the following reasons.

- 1 Having regard to the location of the site in the rear garden space of an existing dwelling and in close proximity to existing and proposed dwellings to its south, it is considered that the proposed development, by reason of the height form and proximity of the two-storey southern gable would seriously injure the residential amenities of property in the area by reason of loss of light and overshadowing and would, therefore, be contrary to the underlying

residential land use zoning objective and with the proper planning and sustainable development of the area.

- 2 Having regard to the restricted nature of the site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and layout would constitute overdevelopment of a limited site area, would compromise the quality of private amenity space associated with number 124 and the permitted dwelling in the side garden of number 124, and would be out of character with development in the vicinity. The proposed development would, therefore, adversely impact upon the amenities of future residents and would be contrary to the proper planning and sustainable development of the area.
- 3 The proposal would be contrary to the provisions of Section 11.3.2(iii) of the South Dublin County Council Development Plan 2016-2022 in relation to the dwelling type to be permitted in proximity to adjoining residential properties and contrary to underlying residential zoning objective pertaining to the site and the proper planning and sustainable development of the area.

---

Fergal O'Bric,  
Planning Inspectorate.

9<sup>th</sup> February 2021