



An
Bord
Pleanála

Inspector's Report ABP-308602-20

Development

A 2 bed 3 person part two storey dwelling to be stepped back from and to the side of the existing cottage no. 22. The ground floor will be finished in rendered masonry and the upper floor in natural slate. Existing driveway access will be utilised.

Location

22 Farrenboley Park, Windy Arbour, Dublin 14.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D20A/0588

Applicant(s)

Nina O'Neill

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Nina O'Neill

Observer(s)

Catherine Lenehan

Date of Site Inspection

10th February, 2021

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at Farrenboley Park, Windy Arbour, Dublin 14, approximately 220m east of the Luas Green Line (and c. 250m northeast of the Windy Arbour Luas stop), in an established residential area characterised by a 'horseshoe'-shaped estate of vernacular semi-detached cottages interspersed with more contemporary / conventional housing construction arising from the subdivision of the original cottage plots (which provides for a greater variety of house types and contributes to a more diverse urban form).
- 1.2. The site itself has a stated site area of 0.0219 hectares, is irregularly shaped, and comprises part of the side / rear garden area of the existing semi-detached cottage at No. 22 Farrenboley Park. It is located to the south of the estate roadway and is bounded to the west by a narrow private laneway which provides access to 2 No. detached dormer-style dwelling houses to the rear of the site that were constructed following an earlier subdivision of the original cottage plot.

2.0 Proposed Development

- 2.1. The proposed development consists of the subdivision of an existing housing plot and the construction of a two-storey, 2-bedroom dwelling house (floor area: 78m²) within the side / rear garden area of the adjacent cottage with off-street car parking accessed via a right of way over an existing private laneway that extends from the public road. The overall form of the proposed dwelling is of a contemporary design with the first-floor construction comprising a flat-roofed, slate-clad 'box' set askew from the lower-level accommodation. External finishes will include rendered walls, slate-hung cladding, zinc cladding, and a green 'sedum' roof. Due to the configuration of the site and its relationship with the public road, the proposed dwelling will occupy a recessed position set back from the roadway behind the established building line. Water and sewerage services are available from the public mains network.
- 2.2. On 24th August, 2020 the Planning Authority issued a Certificate of Exemption (PA Ref. No. V/059/20) pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 13th October, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The site is zoned 'A' where the stated objective is 'to protect and/ or improve residential amenity.' Having regard to its scale, height and bulk, and its proximity to the property to the east, No. 22 Farrenboley Park, it is considered the proposed dwelling on a constrained site would give rise to overbearing and overshadowing impacts on adjoining property and would be seriously injurious to the residential and visual amenities of the area. The proposed development would constitute overdevelopment of a restricted site and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations, including the surrounding pattern of development arising from the subdivision of the original cottage plots and the relevant land use zoning objective ('A': *To protect and / or improve residential amenity*), before stating that the principle of the proposed development is acceptable, subject to compliance with the overall policies and objectives for the land use zoning and ensuring consistency with the proper planning and sustainable development of the area. With respect to the overall design and layout of the proposed dwelling house, it is noted that whilst the internal accommodation exceeds the requirements of the '*Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007*', the proposal only marginally achieves the minimum threshold for private open space with any such provision contingent on its overall quality and usability (noting that it had not been established from an overshadowing perspective that at least half of the garden area would receive a minimum of 2 hours of sunlight on 21st March). Further concerns arise as regards the lack of separation between the proposed dwelling and No. 22 Farrenboley Park as

well as the impact on residential amenity. It is also considered that the proposed design has a 'cramped' appearance and would have a significant negative visual impact on the wider streetscape. The report thus concludes by stating that the proposal amounts to an overdevelopment of an already constrained site which would be detrimental to the residential and visual amenities of property in the vicinity before recommending a refusal of permission for the reason stated.

3.2.2. Other Technical Reports:

Municipal Services Dept., Drainage Planning: Recommends that further information be sought with respect to alternative proposals for the disposal of surface water runoff.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A total of 2 No. submissions were received from interested third parties and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The proposal would amount to an overdevelopment of the site which would not be in keeping with the setting and density of the surrounding area.
- Inadequate car parking provision / availability.
- The inadequacy of the local road network, including the carriageway width, absence of footpaths, and limited on-street car parking.
- The substandard entrance / exit arrangement and the potential for traffic hazard.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, noise, traffic, and visual amenity.
- Concerns with respect to the future maintenance of the proposed development.
- The proposal is unnecessary in light of the future plans for the provision of large-scale housing on lands at the former Central Mental Hospital in Windy Arbour.

- Discrepancies between the submitted drawings and on-site measurements.
- The proposal is out of character with the surrounding pattern of development (including plot subdivisions).
- Concerns as regards the accessibility of the proposed dwelling by persons with impaired mobility or eyesight.
- The proposal should not benefit from any relaxation in development management standards, including car parking and private open space provision, as may otherwise be permissible under Section 8.2.3.4 (v) of the Development Plan with respect to homes for elderly persons.
- The need to establish the legal arrangements as regards maintaining access over the laneway to existing and future housing in order to avoid any requirement for on-street parking.
- Deficiencies in the private open space provision and the inadequate separation between housing.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. D04A/0297. Was granted on 24th June, 2004 permitting Gerard O'Neill permission for two detached dormer bungalows with widened vehicular entry and access driveway at rear of No. 22 Farrenboley Park, Dublin 14.

PA Ref. No. D02A/1207. Was granted on 14th March, 2003 permitting Mr. L Citron permission for a new dwelling to the rear of No. 22 Farrenboley Park, Dublin 14.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public

transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill

5.2. Development Plan

5.2.1. ***Dún Laoghaire Rathdown County Development Plan, 2016-2022:***

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and / or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: Additional Accommodation in Existing Built-up Areas:

(v) Corner/Side Garden Sites:

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.

(vi) Backland Development

Backland residential development usually involves the establishment of a new single dwelling, and a building line to the rear of an existing line of houses. Residential development within the boundary of larger detached houses does not constitute backland development and will not be assessed as such. Where the Planning Authority accepts the general principle of backland residential development to the

rear of smaller, more confined sites within the existing built-up area, the following standards will apply:

- Generally be single storey in height to avoid overlooking.
- Adequate vehicular access of a lane width of 3.7m must be provided to the proposed dwelling (3.1m at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.
- Existing dwelling and proposed dwellings shall have minimum individual private open spaces of 48 sq.m. each - exclusive of parking - for one/two bedroom units or 60 sq.m. plus for three/four or more bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other. Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.

Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development. Piecemeal backland development with multiple vehicular access points will not be encouraged.

(vii) Infill:

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th Century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.4.9: *Vehicular Entrances and Hardstanding Areas*

Section 8.2.8.4: *Private Open Space - Quantity*

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 3.2km north of the site.
- The Booterstown Marsh Proposed Natural Heritage Area (Site Code: 001205), approximately 3.3km east-northeast of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.3km east-northeast of the site.
- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 3.3km northeast of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.3km northeast of the site.
- The Fitzsimon's Wood Proposed Natural Heritage Area (Site Code: 001753), approximately 3.8km south of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site, the nature of the receiving environment in an existing built-up area, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest 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

- In the case of *AG (McGarry) v. Sligo County Council (1991) 1 IR 99*, McCarthy J. described the Development Plan as '*An environmental contract between the Planning Authority, the Council and the Community, embodying a promise by the Council that it will regulate private development in a manner consistent with the objectives stated in the Plan*'. Accordingly, proper planning and sustainable development is dependent on the implementation of the Development Plan, however, it is questioned whether the Planning Authority has had any regard to the Plan in its assessment of the subject proposal.
- The proposed development satisfies the minimum quantitative and qualitative private open space requirements of the Development Plan (i.e. 48m² for a 1 / 2 bedroom dwelling house) and it is unfair for the case planner to refer to this provision as 'barely' meeting the necessary threshold and potentially being symptomatic of an overdevelopment of the site. By disregarding the applicable standard, the Planning Authority is in contravention of its 'environmental contract' thereby rendering the Development Plan redundant.
- Having regard to the site context and the availability of local services, the provision of smaller housing (such as that proposed) for purchase and / or occupation by younger people would be compatible with the principles of sustainable development.
- The proposed development accords with the applicable land use zoning and its internal accommodation exceeds the minimum requirements of the '*Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007*'.
- In terms of appropriate assessment, the Planning Authority has determined that the proposed development will not significantly impact on any Natura

2000 site. The need to screen the proposal for the purposes of environmental impact assessment has also been excluded by way of preliminary examination.

- It has been accepted that the proposed car parking provision complies with the applicable Development Plan standards.
- No objection has been raised to the proposal from a traffic / transportation perspective.
- Surface water runoff from roofed areas will be collected by way of a rainwater harvesting tank for reuse in the dwelling house whilst it is also proposed to install permeable paving in the garden area. Furthermore, in response to concerns that there is inadequate space on site to accommodate rainwater overflow due to the need for the soakpit to be located 5m from foundations and 3m from boundaries, the Board is referred to the accompanying correspondence from a neighbouring property owner (Mr. Gerard O'Neill) which consents to the installation of a soakpit on his lands in order to satisfy the necessary spacing requirements.
- There will be no overlooking of any neighbouring property as the only first-floor window will face towards the public road.
- The decision to refuse permission is contrary to the principles of the 'common good' (in reference to the Constitutional provisions governing same) and local authorities are required to give a reasoned justification for imposing any limitation on private rights so as to ensure they are neither discriminatory nor disproportionate. In this regard, it is reiterated that the Planning Authority has sought to interpret the private open space provision as being indicative of an overdevelopment of the application site despite its adherence to the Development Plan standards whilst the property at No. 22 Farrenboley Park will continue to benefit from a substantial (100m²) garden area. Moreover, in light of a recent grant of permission issued at Millmount Terrace under PA Ref. No. D19A/0013, the subject proposal cannot be considered to constitute overdevelopment of the site. By not abiding by the provisions of the Development Plan, the decision of the Planning Authority is discriminatory,

disproportionate and in breach of the 'environmental contract' between the Planning Authority and the Community.

- In reference to the Council's argument that permissions are normally granted on larger sites, it is submitted that any such approach would be discriminatory and contrary to efficiencies in land use, particularly in light of the site location proximate to the Luas and other services.
- By way of precedent as regards land efficiency the Board is referred to PA Ref. No. D19A/0013 in Millmount Terrace.
- It was previously intimated that the site at No. 22 Farrenboley Park could accommodate further development in this regard it is of relevance to note that the Luas has since been developed a short distance away. Therefore, land use efficiency must be the core objective for the Planning Authority in seeking to maximise the use of scarce resources and to address homelessness in the interests of the common good.
- Due to the size and configuration of the site, and noting the extent of open space to be retained by No. 22 Farrenboley Park, the original property will remain one of the least built-up sites in the estate.
- When taken in conjunction with adjacent lands to the southeast, the subject site represents an opportunity for further infill development in an underutilised area.
- On Page No. 8 of the 'Record of Executive Business Chief's Executive Order' the case planner has referred to the proposed dwelling as appearing 'cramped', however, the sentence is incomplete. In this respect, legal jurisprudence has established that in order to challenge the validity of an administrative decision on 'reasonableness' or 'proportionality' grounds, an applicant must be able to ascertain the essential reasons / rationale on which that decision was based. Therefore, in light of the foregoing, it is queried how the application site, when taken in conjunction with the adjacent lands to the southeast, could look 'cramped'.
- Having regard to the surrounding pattern of development, it is not accepted that the proposed dwelling would result in undue overshadowing of

neighbouring properties or that it would have an '*overbearing impact . . . with negative visual repercussions for the immediate area*'. The proposal does not amount to an overdevelopment of the application site.

- It appears that the Planning Authority has failed to take account of the notable differences between the application as lodged and the plans originally presented during pre-planning discussions. In this regard, it should be noted that the applicant retains full beneficial ownership of the adjacent access laneway, which has been incorporated into the site area, and thus the proposal cannot be considered to involve a 'restricted' site. Furthermore, no recognition has been given to the modifications made to the first-floor level to avoid any potentially overbearing impact.
- The rear of the existing (No. 22 Farrenboley) and proposed dwelling houses is south facing and thus will not be affected by overshadowing to the same degree as those properties located across the road to the north.
- It is reiterated that land use efficiency and the proximity / availability of local services is a core consideration in the assessment of the subject application.
- The proposed 'house to site' development ratio is comparable to that of other sites in the area and, therefore, it is discriminatory for the Planning Authority to assert that permission will be granted on larger sites if land use efficiency is to be maintained.
- There are concerns that statements contained in third party submissions have been unfairly used to discriminate against the applicant.
- Cognisance should be given to the lack of housing supply, the prevalence of smaller household units, and the anticipated population growth in the Dublin region when assessing the application.
- Given the specifics of the site context, including the presence of the laneway serving those properties to the rear, and the separation distances involved, it is submitted that the proposal will not set a precedent for further development in the estate.
- In the case of *State (Boyd) v. Cork County Council [1983] IEHC 8*, Murphy J. stated that the private interest of an individual landowner is not usually

relevant to the planning concern unless there is some public element to it. He further stated:

'There must be some uncertainty as to whether or not the fact that a development proposal might damage a third party is a proper planning consideration to be taken into account by the planning authority or by An Bord Pleanala'.

The relevant points to note are that the third party in this instance is the applicant and that the proposal will not impact on anyone else.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

6.3.1. Catherine Lenehan:

- In light of the previous subdivision of the property formerly occupied by No. 22 Farrenboley Park to accommodate the construction of 2 No. additional dwelling houses (i.e. Nos. 22A & 22B Farrenboley Park), it is considered that the provision of a fourth residential unit would not be in keeping with the setting and lower housing density of the surrounding local area.
- The existing dwelling houses at Nos. 22, 22A & 22B Farrenboley Park cumulatively provide for a total of 11 No. bedrooms with the potential to accommodate an equivalent number of residents and their cars. Given that there is an inadequate number of parking spaces to accommodate the demands of the existing properties, the development of an additional two-bedroom (three-person) dwelling house with its associated parking requirement would not be practical.
- The existing narrow road network serving Farrenboley Park does not have the capacity to accommodate the additional traffic consequent on the proposed development.

- The existing entrance arrangement serving No. 22 Farrenboley Park is substandard and gives rise to difficulties when entering / exiting the property. Any additional traffic generation at this location would increase the likelihood of an accident and would be contrary to proper planning.
- The proposed development would have a detrimental impact on the residential amenity of the neighbouring property at No. 23 Farrenboley Park by reason of overlooking and overshadowing.
- The poor condition and lack of maintenance of the existing properties on site is of concern to the neighbouring property owner at No. 23 Farrenboley Park. Accordingly, there are similar concerns that a further dwelling on site would not be adequately maintained and thus would have a negative impact on the surrounding area.
- Given the plans to develop 1,200 No. homes on the site of the old Central Mental Hospital a short distance away in Windy Arbour, there is no necessity for the development of a further one-off dwelling house at this location.
- Whilst several of the original cottage plots in Farrenboley Park have been subdivided in order to accommodate a second house for a family member, it is considered that a site which already accommodates 3 No. houses with a fourth dwelling now proposed is not intended as a family home.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Other issues

- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'. In addition to the foregoing, it should be noted that the prevailing pattern of development in the immediate vicinity of the application site is characterised by vernacular semi-detached cottages interspersed with more contemporary / conventional housing construction arising from the subdivision of the original cottage plots. In this respect, I would suggest that the proposed development site can be considered to comprise a potential infill site / plot subdivision situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.
- 7.2.2. Further support is lent to the proposal by reference to Policy RES4: '*Existing Housing Stock and Densification*' of the Development Plan, which aims to increase housing densities within existing built-up areas having due regard to the amenities of established residential communities, wherein it is stated that the Planning Authority will encourage the densification of existing suburbs in order to help retain population levels by way of 'infill' housing that respects or complements the established dwelling types. These policy provisions are further supplemented by the guidance set out in Section 8.2.3.4: '*Additional Accommodation in Existing Built-up Areas*' of the Plan which details the criteria to be used in the assessment of proposals that involve the

subdivision of an existing house curtilage and / or an appropriately zoned brownfield site to provide an additional dwelling. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

7.2.3. The site is also located within walking distance of the Luas and Dublin Bus services (with the Luas Green Line Windy Arbour stop c. 250m to the southwest) and is proximate to nearby shops / retail services, schools, places of worship, employment opportunities, and other amenities.

7.2.4. Therefore, having considered the available information, including the site context and land use zoning, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Overall Design and Layout:**

7.3.1. The proposed development consists of the subdivision of the property presently occupied by No. 22 Farrenboley Park followed by the construction of a new two-storey, 2-bedroom dwelling house (floor area: 78m²) within the side / rear garden area of the existing semi-detached cottage. In this regard, it is of relevance to note that the original cottage plot has already been subdivided under PA Ref. No. D04A/0297 to facilitate the construction of 2 No. detached dormer bungalows (i.e. Nos. 22A & 22B Farrenboley Park) to the rear of the property. Accordingly, the subject proposal will amount to the provision of a fourth dwelling house within the confines of the original site.

7.3.2. By way of further context, the proposed development site is located in an established residential area characterised by vernacular single-storey, semi-detached cottages and multiple instances of more contemporary / conventional housing construction arising from the subdivision of the original housing plots. In this respect, I would advise the Board that while most of the plot subdivisions have typically involved the

construction of conventional detached dwelling houses in backland locations to the rear of the original cottages (as was permitted under PA Ref. No. D04A/0297 to the immediate south of the subject site), there are several notable instances of more contemporary additions to the area located both along the roadside and behind existing housing, including No. 37A Farrenboley Park (a two-storey, detached property with a flat-roof and brickwork aesthetic) and No. 24A Farrenboley Park (a particularly contemporary, triangularly-shaped residence with truncated corners and a pitched roof construction), which would seem to lend some credence to the capacity of the site to accommodate a more modern style of development.

- 7.3.3. In relation to the overall design and layout of the proposed dwelling house, at the outset whilst I would acknowledge that the submitted proposal is somewhat more contemporary in appearance than the original cottage construction on either side of the site, given the site context and the planning history of the surrounding area, I would have no overt objection to the aesthetics proposed provided the construction can be satisfactorily accommodated on site and takes due cognisance of its relationship with neighbouring properties, including the reasonable protection of the amenities and privacy of adjoining dwellings.
- 7.3.4. The proposal provides for a two-storey, two-bedroom dwelling with the most notable feature of the design being the first-floor accommodation which will comprise a double-bedroom set within a flat-roofed, slate-clad 'box' set askew over the lower floor level and recessed from the perimeter of the building footprint. The overall scale of the construction is relatively modest with a stated floor area of 78m² and the internal accommodation seemingly exceeding the minimum standards of the '*Quality Housing for Sustainable Communities, Best Practice Guidelines, 2007*' as required by the Development Plan. The proposed ridge height is comparable to that of the existing cottages on the adjacent sites at Nos. 21 & 22 Farrenboley Park. However, given the configuration of the site, its relationship with the public road, and the need to preserve access along the laneway serving Nos. 22A & 22B Farrenboley Park to the rear of the site, the proposed dwelling will occupy a recessed position set back behind the established building line of No. 22 Farrenboley Park and, in my opinion, it is this aspect of the design which is a particular cause for concern as it gives the impression that the construction has been squeezed into the available space. Indeed, this seems likely to have informed the Planning Authority's description of the

proposal as 'cramped' and its assessment that the new dwelling would amount to an overdevelopment of the site. On balance, I would share the concerns of the Planning Authority in this regard and I am of the view that the crowded / congested appearance of the development within the site and wider streetscape would give rise to a visually discordant feature which would be detrimental to the visual amenity of the area.

- 7.3.5. In its assessment of the proposal, the Planning Authority has also referenced the lack of separation between the proposed house and the existing cottage and has concluded that the new construction will have an unduly overbearing impact on the neighbouring dwelling with negative visual repercussions for the immediate area. In this regard, whilst I would acknowledge the scale and massing of the proposed development when viewed from within the rear garden area of the adjacent property, it should be noted that the ground floor construction along the shared site boundary will extend to a height broadly comparable to that of the eaves level of the existing cottage whilst the first floor element will be recessed from the site perimeter and positioned partially forward of the rear building line of the existing house.
- 7.3.6. In terms of private open space provision, I would refer the Board to Section 8.2.8.4: '*Private Open Space – Quantity*' of the Dún Laoghaire Rathdown County Development Plan, 2016-2022 which states that a minimum of 48m² of good quality usable private open space located behind the front building line may be acceptable in the case of a two-bedroom dwelling house. The subject proposal provides for an enclosed, south-facing garden area to the rear of the new dwelling with approximate dimensions of 5.8m x 8.7m which would appear to exceed the minimum space requirement. Therefore, whilst the proposed open space provision will be only marginally above the minimum threshold, in my opinion, it nevertheless complies with the requirements of the Development Plan. Furthermore, I am also satisfied that adequate open space will be retained by the existing cottage consequent on the proposed development.
- 7.3.7. With respect to the adequacy of the on-site parking arrangements, I would refer the Board to the requirements set out in Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan wherein it is stated that parking should be provided at a rate of 1 No. space per 2-bed unit. The proposed development includes for a single parking bay located to the front of the property which will be

accessed from the adjacent shared laneway, however, whilst this provision satisfies the 'standard' parking requirement of the Development Plan, I would have some reservations as regards the practicality of the arrangement proposed and the potential to exacerbate the proliferation of on-street parking evident within Farrenboley Park and the associated obstruction of road users. For example, in the absence of any dedicated turning facility on site, vehicles accessing / egressing the proposed parking space will be required to reverse along a length of the shared laneway against the flow of traffic (noting that this laneway provides vehicular access to Nos. 22A & 22B Farrenboley Park as well as the rear of No. 22 Farrenboley Park). Whilst it may be possible to avail of the turning area forward of Nos. 22A & 22B Farrenboley Park, it should be noted that this space is outside of the applicant's ownership with access to same limited by a set of gates. Although reversing manoeuvres from single domestic entrances / driveways are not uncommon, given the existing usage of the laneway, the deficiencies in the junction arrangement between the laneway and the public road, and noting the limited sightlines available, I would have concerns in this regard.

- 7.3.8. By way of further comment, the construction of the proposed dwelling will result in the loss of an existing vehicular side entrance from the laneway to No. 22 Farrenboley Park and any use of the space served by same for off-street parking (although given the unkempt nature of the existing rear garden / yard it would not appear to be in use for parking at present). In addition, whilst the site layout plan shows a parking space to the rear of No. 22 Farrenboley Park, this necessitates access over lands outside of the applicant's ownership and over which no right of way has been shown.
- 7.3.9. Therefore, on the basis of the foregoing, I would have concerns that the provision of an additional dwelling as proposed could give rise to conflicting traffic movements at the site entrance and potentially result in an increased demand for on-street parking along the narrow public road which serves Farrenboley Park thereby exacerbating incidences of traffic congestion and the obstruction of road users.
- 7.3.10. Having considered the available information, and following a site inspection, whilst I would concede that certain individual aspects of the proposed development satisfy the requirements of the Development Plan, in my opinion, an objective analysis of the proposal as a whole is that the construction has been somewhat forced into the

available space and gives rise to an overtly crowded / congested appearance both within the site and the wider streetscape. Accordingly, I would concur with the assessment of the Planning Authority that the proposed development would constitute an overdevelopment of a restricted site which would give rise to a visually discordant feature that would in turn seriously injure the amenities of the area and of property in the vicinity.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking or overshadowing. However, given the siting of the proposal relative to No. 22 Farrenboley Park and its proximity (including the car parking) to windows towards the front of that property, concerns arise as regards the potential impact on the residential amenity of the latter by reason of a loss of privacy, noise & general disturbance.

7.5. Other Issues:

7.5.1. Surface Water Drainage Arrangements:

Although the submitted plans and particulars indicate that it is proposed to partially attenuate surface water runoff on site using 'green' / sedum roofs with subsequent collection by way of a rainwater harvesting tank for reuse as 'grey' water in the dwelling house, the Drainage Planning Division of the Local Authority has raised concerns as regards the inadequate space on site to accommodate the provision of a soakaway for any overflow from the rainwater harvesting system whilst maintaining the necessary separation from foundations and site boundaries (before recommending the submission of alternative SUDS proposals for the local disposal of surface water runoff from the new house).

- 7.5.2. Given the restricted size and configuration of the application site, I would suggest that it would be preferable to establish suitable arrangements for the satisfactory disposal of surface water runoff in advance of any decision on site. Furthermore, whilst the applicant has indicated that an adjacent landowner is amenable to the provision of an overflow facility within his lands, in the absence of any clear design

calculations in this regard (including the size & location of the works as well as the suitability of the underlying ground conditions), and noting that any such soakaway will be on lands outside of the application site, I am not satisfied that it would be appropriate to give any further consideration to such a proposal at this time.

7.6. Appropriate Assessment:

- 7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the restricted nature of the site and its relationship with neighbouring properties, and to the established pattern of development in the area, it is considered that the proposed development, by reason of its scale, form and design, would represent the significant overdevelopment of a constrained site and would result in a visually discordant feature which would be detrimental to the visual amenity of the area. The proposed development would, therefore, seriously injure the visual and residential amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

18th February, 2021