



An
Bord
Pleanála

Inspector's Report

ABP-308700-20

Development	Demolition of extension and construction of two story dwelling.
Location	38 Cool Cill, Sandyford, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0666
Applicant(s)	Ms. P. McGettigan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Breege and Joseph Muldowney
Observer(s)	None
Date of Site Inspection	28 th January 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site is located on a corner of the Cool Cill housing estate in Sandyford, Co. Dublin. The site forms the side garden of an existing two/ three storey dwelling at No. 38 Cool Cill.
- 1.2. The existing development on site comprises of a detached dwelling. The general character of the area is low density and suburban. The existing house on the site is larger in scale and height than many of the existing houses. The majority of houses in this estate are either large detached or semi-detached two storey houses with a red brick finish. There are some variations in design, mainly on corner sites and end of cul de sac locations.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of part of an existing house, the construction of an extension to the existing house and the construction of a two storey detached dwelling. The proposed dwelling has a stated area of 145m² and comprises of 4 No. bedrooms. Off street parking is provided for 2 No. cars.
- 2.2. Further Information was submitted to the Planning Authority dated the 1st of October 2020 which provided for the following:
 - Flood Risk Assessment
 - Details of boundary treatment and access width and car parking arrangements.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 No. conditions. Noteworthy conditions include the following:

Condition 5 required the applicant to replace the existing tree in front of the proposed vehicular entrance.

Condition 6 set out requirements in terms of the boundary walls, gates and piers.

Condition 7 set out requirements in terms of the access width.

Condition 12 required a financial development contribution towards the cost of the extension of Luas Line B from Sandyford Depot to Cherrywood.

All other conditions are of a standard nature.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The Planner's report considers that there would be no undue impact in terms of overlooking or loss of light.

3.2.2. Other Technical Reports

Transportation: First report required Further Information. Second report had no objection.

Drainage: First report required Further Information. Second report had no objection.

3.3. **Prescribed Bodies**

- No reports.

3.4. **Third Party Observations**

- #### 3.4.1.
- Two submissions were made during the prescribed period. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

V/112/19

Certificate of Exemption under Part V of the Planning and Development Act 2000 as amended.

PA D07A/0956

Permission granted for two storey dwelling on this site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To protect and/or improve residential amenity'.

Section 8.2.3.4 (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."

Section 2.1.3.4 Existing Housing Stock Densification: "Encourage densification of the existing suburbs in order to help retain population levels – by 'infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc."

In older residential suburbs, infill will be encouraged while still protecting the character of these areas."

5.2. Natural Heritage Designations

5.2.1. None relevant.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, 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

The grounds of appeal can be summarised as follows:

- Concern regarding overlooking and overshadowing.
- Location of house is forward of building line and the proposed development would be a dominant feature in the landscape.
- Concern regarding construction impacts.

6.2. Applicant Response

The response can be summarised as follows:

- Only the space to the front of the property which is generally regarded as semi- public space will be overlooked.
- Views between first floor windows would be strained and at an obtuse angle.
- Given the distance between the properties, the concern regarding overshadowing is not supported.
- Where there are issues regarding boundary walls, the applicant is willing to meet with neighbours to discuss.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority response refers the Board to the previous planner's report. It considers 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.

6.4. Observations

- None.

7.0 Assessment

- 7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Impact
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. Visual Impact

- 7.2.1. The subject development comprises a two storey dwelling together with the demolition of part of an existing dwelling and an extension to an existing dwelling. The proposed development is located on a corner site within the Cool Cill housing estate and would front onto the main access road to this estate. Numbers 30-37 are located on a cul de sac adjoining the site.
- 7.2.2. The main issue raised in the appeal in relation to visual impact relate to the building line and the impact on the character of the streetscape.
- 7.2.3. I refer the Board to the contiguous elevation submitted with the application. The existing houses in this estate are generally two storey however No. 38 is a

substantially larger house than existing houses in terms of both floor area and height and is two/ three storey in height with three dormer windows to the front.

- 7.2.4. The planner's report states the following: *'The houses in this area are relatively large, and whilst there is some visual variation in the street, they can generally be characterised by the use of red brick, height, plot size and detached nature, which this scheme largely respects. Whilst the visual relationship with No. 37 Coolkill Road (around the corner) is considered less than successful, this is a subsidiary road and a cul de sac. Of key importance here is ensuring privacy and adequate light to these neighbours, which will be examined in more detail later in this report. For these reasons, the proposed design of the new house is acceptable.'*
- 7.2.5. I concur with the planner's report in this regard. The third party appellant considered that a contiguous elevation should have been submitted with the application in order to demonstrate the impact on No. 37. The appeal response refers to the contiguous elevation submitted with the application which relates to the front view from the main road and does not include a second contiguous elevation with No. 37.
- 7.2.6. I consider that whilst a second contiguous elevation would have been helpful, I examined the site and surroundings on the site inspection and am satisfied that the drawings submitted are sufficient to assess the visual impact. I note that the impact when viewing from the cul de sac is less successful than from the main road, however, I note that it is proposed to use finishes to match the existing including red brick and slate and these will help the proposed house integrate successfully with existing houses in the area. In addition, I note that the design, form, and scale is similar to existing houses in the area.
- 7.2.7. As such, I am of the view that the proposed development is acceptable and would not be detrimental to the character of the streetscape.

7.3. Impact on Residential Amenity

- 7.3.1. Concern is raised in the appeal in relation to overlooking and overshadowing. The proposed house is a corner site and the main impact would be on the front driveway of No. 37 in my view.

- 7.3.2. The Development Plan generally requires a minimum standard of 22 metres between directly opposing rear first floor windows. There are no directly opposing first floor windows less than 22m between the proposed dwelling and any of the dwellings in the vicinity of the site and as such, I am satisfied that the proposed dwelling meets development plan requirements in this regard.
- 7.3.3. In terms of overshadowing, having regard to the orientation of the site and the distance from other properties in the vicinity, I concur with the planner's view that *'it is not anticipated an unreasonable amount of loss of light to the adjoining neighbours would occur.'*
- 7.3.4. Having regard to location of the house within the site, the orientation of the site and the distance to other properties, I do not consider that the proposal will unduly detract from the residential amenities of properties in the vicinity of the site by reason of overlooking or overshadowing.

7.4. Other Matters

- 7.4.1. Concern is expressed in the appeal that *'a number of obvious structural defects and failures are apparent in the common boundary between my client's property and No. 38 Coolkill'* and that the construction works would have an impact on same.
- 7.4.2. I noted on the site inspection that there were a number of very large cracks in the common boundary wall. The appeal response states that *'where there are issues with boundary walls, our client is willing to discuss with neighbours and agree any action required.'* This is a reasonable approach and the Board has no role in relation to this issue.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 1st day of October, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilages of the existing or proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new and existing dwellings.

5. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and pedestrian safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, noise management measures and off-site disposal of construction/demolition waste.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. The developer shall pay to the planning authority a financial contribution in respect of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the

Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Emer Doyle
Planning Inspector

4th February 2021