



An
Bord
Pleanála

Inspector's Report ABP-308858-20

Development	Construction of a single storey, detached house.
Location	Rear of 67 St Fintan's Villas, Deansgrange, Blackrock, Co. Dublin, A94 EOC5
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D20A/0706
Applicant(s)	Anne Browning & David O'Leary
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Shane & Sharon Byrne
Date of Site Inspection	27 th January 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises the eastern section of the garden of no. 67 St. Fintan's, a two-storey semi-detached house located on the corner junction of Deansgrange Road (facing west) and St. Fintan's Villas to the side (north). The site area is stated as 0.026219 hectares. The rear garden, which a mature hedgerow along the northern boundary, is relatively large, though the houses in St. Fintan's Villas are generally provided with significant areas of private amenity space.
- 1.2. St. Fintan's Villas consists of a looped residential street located to the eastern side of Deansgrange Road and housing which consists of similar, two storey semi-detached units. A significant number of infill houses have been provided throughout St. Fintan's Villas in addition to extras to the original houses. Houses in the area are of a simple form with exteriors in a dashed finish, some of which are painted, though a significant number are unpainted.
- 1.3. The site is approximately 660 m to the north of Deansgrange (Kill Lane and Deansgrange Road) with a range of shops and services. Deansgrange Road is served by Dublin Bus Routes 84/ 84A which operate approximately hourly between Blackrock and Newcastle, Co. Wicklow. Kill Lane is served by frequent buses including the 46A and 75/A. Additional bus services are available to the north in Stradbroom in the form of Dublin Bus routes 4, 7B and 7D.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached, single storey house on part of the rear garden located to the east of 67 St. Fintan's Villas. The proposed house to have a given floor area of 78.68 sq m. The proposed house to have a pitched roof.
- 2.2. The house to provide for three bedrooms and a central kitchen/ dining/ living room. 60 sq m of private amenity space is to be provided to the south of the proposed house. The existing house to retain in excess of 60 sq m of private amenity to the rear/ side. Off street car parking for two vehicles is proposed.
- 2.3. The following documents were submitted in support of the application:

- Engineering Report for Planning Submission by OBA Consulting Civil & Consulting Engineers
- Cover letter by Studio AND

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions. Conditions are generally standard though I note that Condition no. 3 removes exempted development rights as described in Class 1 and Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended for the proposed and the existing house; Condition no. 4 refers to modifications to the eastern elevation to include the omission of two high level windows and the provision of a rooflight to serve a bathroom and the front boundary of development to not exceed 0.9 m, in the interest of adequate visibility provision.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report**

The Planning report reflects the decision to grant permission for the proposed development.

3.2.2. **Other Technical Reports**

Municipal Services Department – Drainage Planning: No objection to this development subject to conditions.

Transportation Planning: No objection to this development subject to conditions. Front boundary wall to not exceed 1.1 m (conditioned by Planning Authority Case Officer to 0.9 m) and details provided on new vehicular entrance.

3.2.3. **Prescribed Bodies**

Irish Water: No objection subject to recommended conditions.

3.2.4. **Objections/ Observations**

A single letter of objection was received from Shane & Sharon Byrne of 64A St Fintan's Villas, the house to the east of the subject site.

Issues raised include in summary:

- Concern about the proximity of the proposed development to their property boundary.
- Concern about overlooking from the location of proposed windows.

Refer to previous refusals at 68 St Fintan's Villas under PA Ref. D16A/0523 and at 69 St Fintan's Villas under PA Ref. D15A/0249.

4.0 Planning History

None on the subject site.

P.A. Ref. D06A/1495 refers to a March 2007 decision to grant permission for a detached two-storey house to the western side of 64 St Fintan's Villas; this house has been constructed and is located to the east of the subject site.

P.A. Ref. D16A/0523/ ABP Ref. PL06D.247270 refers to a January 2017 decision to refuse permission for house and associated site works to the rear of 68 St Fintan's Villas; this is the house/ site to the south of the subject site.

The following reason for refusal was issued:

'The site of the proposed development is located on lands zoned 'A' in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 with the objective to protect and/or improve residential amenity. Having regard to the restricted nature of the proposed site, its location immediately behind the established house on the plot, immediately forward of the back garden of number 64A Saint Fintan's Villas to the rear and adjoining the back gardens of numbers 67 and 69 Saint Fintan's Villas, the inadequacy of separation distances between the proposed development and these adjoining properties, the loss of privacy arising from overlooking and nuisance, and the overbearing impact due to its proposed location, it is considered that the proposed development would result in overdevelopment of this plot, would seriously injure the residential amenities of adjoining properties, would depreciate the value of these properties, would provide a substandard form of accommodation for the occupiers of the proposed dwelling due to the restricted nature of the site and would

materially contravene the zoning objective for the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A, ‘To protect and/ or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.

5.1.2. Chapter 2 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Sustainable Communities Strategy’ and the following are noted:

Section 2.1.1 Introduction:

‘In accordance with National, Regional and local imperatives the majority of future population growth within the County needs to be accommodated in the Metropolitan urban area. The growth of future households in Dun Laoghaire-Rathdown will be accommodated using two quite different models, namely:

- Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas.*
- The creation of new residential/mixed-use sustainable communities at already identified greenfield growth nodes proximate to planned strategic public transport corridors’.*

Section 2.1.3.4 Policy RES4: Existing Housing Stock and Densification*. This section sets out the policy of the Council to improve/ protect existing housing stock and to encourage the densification of existing built-up areas. The following are noted as of relevance:

- *‘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’.*

5.1.3. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’, 8.2.3.1 ‘Quality Residential Design’, 8.2.3.2 ‘Quantitative Standards’ and 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'.

In addition to the above, Section 8.2.3.4 (vii) 'Infill', Section 8.2.8.4 'Private Open Space – Quantity' and Section 8.2.8.4 (ii) 'Separation Distances' are noted as of relevance.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

Shane & Sharon Byrne, of 64A St Fintan's Villas, have appealed the decision of Dun Laoghaire-Rathdown County Council to grant permission for a house on this site at 67 St Fintan's Villas.

The issues raised in the appeal include:

- The proposed house will encroach onto the boundary wall – this is not a shared ownership wall. Part of the house will be located on the legal grounds of 64A.
- Note 2 of the PA Grant of Permission requires consultation regarding encroachment – this has not occurred to date.

- The location of the proposed house will result in a dirt trap between the new unit and the boundary wall. This may give rise to vermin and nuisance.
- The construction phase of development will have a negative impact on the adjoining house in terms of noise, dirt, dust and intrusion.
- Window to the side of the house is less than 2 m from the boundary and should be omitted. This has a negative impact on 64A.

The appeal is supported with some photographs.

6.2. **Planning Authority Response**

The grounds of appeal do not raise any new matters, so no additional comment is made.

6.3. **Applicants' Response**

6.3.1. The applicants have commented on the appeal and include the following points:

- The proposed development will be entirely within the boundary of no. 67 and no encroachment will take place. The house adjoins the boundary for a length of 4.2 m and the Planning Authority had no objection to the impact on the adjoining property in terms of overshadowing or being visually overbearing.
- The boundary wall extends along a side passage the adjacent rooms within no. 64A are for a utility and WC, not habitable rooms.
- Willing to discuss the construction details of the house as it affects the appellants prior to the commencement of development.
- There is no issue of encroachment – a parapet wall provides for a concealed gutter.
- Issues of nuisance during construction are likely but they will comply with condition no. 7 in relation to ensuring that the public road is not impacted by debris etc.
- Will provide a rooflight to serve the bathroom as required under Condition 4 as issued by the Planning Authority.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of the Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Infrastructure
- Appropriate Assessment Screening

7.2. Nature of the Development

7.2.1. The proposed development consists of a detached, single storey house located on part of the rear/ eastern garden of no. 67 St Fintan's Villas. A new vehicular/ pedestrian access is proposed to serve the new house from the northern side of the site.

7.2.2. The site is suitably zoned for residential development and I note the planning history of the area. The appellants live in an infill house and I note the decision under P.A. Ref. D16A/0523/ ABP Ref. PL06D.247270, which is for a different type of infill development and on a more restricted site than the subject site and therefore the decision is not relevant to the subject proposal.

7.3. Design and Impact on the Character of the Area

7.3.1. The proposed house is a single storey unit providing for three bedrooms and a centrally located living/ dining/ kitchen area. The house is on a north east to south west axis with a projection to the south east corner. A garden of 60 sq m is provided to the south and the house also has a large front garden in addition to off-street parking for two cars.

7.3.2. Although not stated, it appears that the external finish will be in render and relieved by brick detail over the windows/ along ground level. Windows will have a vertical emphasis and the unit will provide for a contemporary design of house in this location, but though its relatively simple form, it will integrate with the existing

houses. The front elevation is located such as to ensure that the established building line is maintained.

- 7.3.3. I note the issues raised in the appeal regarding impact on their amenity. The primary issue is the element of the new house that projects to the south east. This is designed to fit within the established boundary and the provision of a parapet wall ensures that no part of the roof or rainwater goods encroach into the area of no. 67. I am satisfied that there is no reason for encroachment, in accordance with the submitted plans.
- 7.3.4. The plans also indicate that this projection will be located in close proximity to the boundary wall to the western side of no. 64A. I am unsure as to how this element of the development can be constructed without some access to no. 64A, however that is a matter for the applicants to consider. I have considered setting the projection of the boundary by 300 mm, but it creates other difficulties in the layout of the house. The positioning of the house is an issue for the applicants rather than the appellants.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed floor area and room sizes are acceptable in terms of floor area and useability. The design is carefully considered in an attempt to ensure that it can integrate into this site whilst ensuring that residential amenity is provided to a high standard. Storage provision is indicated off the living room area and large storage areas are provided for each of the bedrooms.
- 7.4.2. As I have already reported, private amenity space is located to the south of the house in the form of a garden of 60 sq m, with a small area of additional space located to the side. The open space is useable and will provide for a high quality of residential amenity for future occupants. Adequate private amenity space is retained for no. 67 St Fintan's Villas.
- 7.4.3. I am satisfied that the proposed house will not significantly impact on the neighbouring property. Overshadowing from this single storey house will be minimal and as already reported, the established building line is retained, and this will ensure that the proposed house is not overbearing on no.67. I concur with the Planning Authority that the elevational windows serving Bedroom no. 3 and the bathroom be omitted and appropriated substituted in the case of the bathroom with a rooflight.

The bedroom will be adequately served by the window to the south west elevation. Overlooking leading to a loss of privacy is not foreseen.

- 7.4.4. The Planning Authority conditioned the removal of exempted development rights under Class 1 and Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended, for the existing and proposed houses. I have no concerns about such rights for the existing house but it is appropriate that such a condition be applied to the proposed unit.

7.5. **Infrastructure**

- 7.5.1. The Municipal Services Department – Drainage Planning report raises no concerns regarding this development – surface water to be treated on site. Irish Water have raised no objection to the development in relation to foul drainage and water supply.
- 7.5.2. The report of the Transportation Department is noted, and no concern was expressed in relation to car parking provision or vehicular access subject to conditions. Public Transport provision is good in this area and may reduce the amount of car use.

7.6. **Appropriate Assessment Screening**

- 7.6.1. Having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density 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.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 17th of December 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed windows on the eastern elevation serving Bedroom no. 03 and the Bathroom shall be omitted. The bathroom window shall be replaced by a rooflight, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To prevent overlooking of adjoining residential property.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 as amended, or any statutory provision modifying or replacing them, shall not be carried out</p>

	<p>within the curtilage of the proposed dwelling house without a prior grant of planning permission.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>i) The vehicular access, including the dishing of the grass verge, serving the proposed development, shall comply with the requirements of the Planning Authority for such road works. The driveway to be a maximum width of 3.5 m.</p> <p>ii) Any gate to be installed shall be inwards opening only and shall not open across the public footpath.</p> <p>iii) The front boundary wall shall be rendered and capped to a maximum height of 0.9 m.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
11.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

<p>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.</p> <p>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.</p>
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Paul O'Brien
Planning Inspector

22nd February 2021