



An
Bord
Pleanála

Inspector's Report ABP-308860-20

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| Development | Construction of house |
| Location | 21 Sharavogue, Glenageary Road Upper, Glenageary, Co. Dublin. |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D20A/0693 |
| Applicant(s) | Eoin Power and Clara Woolhead |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant(s) | Eoin Power and Clara Woolhead |
| Observer(s) | 1. Barbara Cantwell and John Kavanagh 2. Rebecca Kashani-Fortune 3. Virginia Fortune 4. Mr. and Mrs. Adrian Eggers |

Date of Site Inspection

11th March 2021

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1.1. The has a stated area of 0.0584 hectares and is located at the end of a cul de sac in the Sharavogue housing estate, Glenageary, Co. Dublin. There are gated laneways on two sides of the site which provide for shortcuts to Glenageary Dart Station which is located c. 500m from the site.
- 1.1.2. Sharavogue housing estate consists of large detached houses with little variation in design. The dwellings at this part of the cul de sac fan out in a radial pattern resulting in the creation of irregular shaped plots. To the west of the laneway directly adjoining the site, lies a two storey development of 11 terraced houses at Marlborough Court. To the east of the development on the other side of the laneway, lies a similar irregular shaped plot at No. 22 Sharavogue.

2.0 Proposed Development

- 2.1. Permission is sought for the subdivision of an existing site at No. 21 Sharavogue and the construction of a two bedroom two storey dwelling of contemporary design. The stated floor area is c. 122m². The site is accessed from a passageway to the side of No. 21 which varies in width from 1.3m to 1.8m. Car parking is provided for to the front of the existing dwelling.
- 2.2. Revised drawings were submitted in the appeal response to An Bord Pleanála which provide for increased width of the passageway between existing dwelling and the site to 1.8m, together with additional construction and drainage details.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one reason as follows:

The proposed development, by virtue of its design and siting, and limited set back from the boundary wall is considered contrary to Section 8.2.3.4 (v) (Corner/Side Garden Sites of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

It is considered that the proposed development on a limited site would represent overdevelopment of the site, would be visually incongruous when viewed from neighbouring sites and visually dominant when viewed from laneways, would result in a substandard level of residential amenity for future occupants of the proposed dwelling, and would have a detrimental impact on the residential amenity of the neighbouring properties. Furthermore, the proposed development would set a poor precedent for similar development in the area. It is considered that the proposed development would materially contravene the zoning objective, which is 'A', 'to protect and/or improve residential amenity' of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would seriously injure the residential and visual amenities of the area and depreciate the value of property in the vicinity. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- The planner's report considered that the previous reason for refusal had not been overcome. Concern was expressed in relation to impact on residential amenity, inadequate separation distances, overdevelopment of limited site, together with negative visual and overbearing impacts.

3.2.2. **Other Technical Reports**

Transportation: Further Information required.

Drainage Section: Further Information required.

3.3. **Prescribed Bodies**

Irish Water: Further Information required.

3.4. **Third Party Observations**

3.4.1. A total of 5 No. observations were made to the Planning Authority.

The issues raised are similar to the issues in the observations submitted to An Bord Pleanála.

4.0 Planning History

PA D19/0548

Permission refused by PA for part single storey/ part two storey two bedroom dwelling on this site for a similar reason to the current application.

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 (v) Corner/Side Garden Sites

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. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 1.9km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.2km east of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of the first party appeal can be summarised as follows:
- The design respects the height and massing of existing residential units in the vicinity but represents a modern and innovative approach.
 - Window placement has been carefully considered to avoid overlooking.
 - The proposed development is not overdevelopment of the site as the site coverage including the proposed development would amount to 33%.
 - The laneways in the vicinity are not heavily used and are not sensitive receptors.
 - The Council's Transport Section required an access to the side for emergency personnel. We do not agree with this as access can be provided from the front.
 - No alterations are proposed to the laneway.
 - A temporary area for construction is outlined. There will be no requirement to erect scaffold on the adjoining laneway during construction.

6.2. Planning Authority Response

- 6.2.1. The Board is referred to the previous planner's report. It is considered 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. Four No. third party observations have been submitted which can be summarised as follows:

- Impacts on Residential Amenity.
- Visual Impacts.
- Overdevelopment of site.
- Negative precedent for similar development on adjacent sites.
- Negative impact on adjoining laneway.
- Concerns regarding use of laneway during construction.

7.0 Assessment

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

- Overdevelopment of Site
- Impact on Visual and Residential Amenities
- Appropriate Assessment

7.2. Overdevelopment of Site

- 7.2.1. I note that an application on this site was previously refused by the Planning Authority under D19A/0548. The Planning Authority had a number of concerns in relation to the development including a concern in relation to overdevelopment.

- 7.2.2. I have compared both the history file on the site and the current application and whilst the applicant has made some amendments, I consider that they do not address the previous reason for refusal in relation to overdevelopment. The response to the appeal details the main alterations which mainly relate to a reduction in the size of the building and an increased set back from the site boundaries.
- 7.2.3. There are a number of practical concerns in relation to drainage and access for fire tender and both of these issues have been raised as Further Information in the reports on the file. I concur with the concerns raised in relation to these matters. However, my dominant concern is that the site is an awkward and irregular shape and this would result in an access of c.1.8m for a length of c. 18.5m with carparking located adjacent to that of the existing house. I note that amended drawings submitted with the appeal increase the front part of this access from 1.3m to 1.8m. The appeal response states that the width of this laneway is adequate to accommodate wheelchair access, ambulance gurney/ personnel and emergency firefighting personnel. I note that the appeal considers that the site coverage is acceptable as it results in a site coverage of 33% for the overall site compared to 40% for the houses at Marlborough Court. I am of the view that the sites are not comparable in that the row of terraced houses at Marlborough Court could be described as a stand alone development rather than the subdivision of an existing site as proposed in this case.
- 7.2.4. The site could not be described as a 'larger corner site' and it's nature is very unforgiving in that the proposed development would be located in very close proximity to the site boundaries adjacent to two existing laneways. My understanding from observations submitted on the file is that both of these laneways are gated with keys available to both a national school and residences in the vicinity and act as shortcuts to Glenageary Dart station. Both gateways were locked at the time of the site inspection. I am of the view that if permission were granted for this development, it would act as a negative precedent for similar development on the other side of the laneway serving Sharavogue and indeed, this is pointed out in the observation submitted on behalf of No. 20 Sharavogue as follows: 'If the applicant proposal is granted, then there is nothing to stop our client doing likewise. This could result in two dwellings either side of the private laneway which would make it claustrophobic and unappealing for anyone to use. This precedent should not be set.'

7.2.5. Having regard to the above, I consider that the proposed development fails to comply with the provisions of Section 8.2.3.4 of the development plan, would have very limited separation distances from the site boundaries and would result in the overdevelopment of a restricted site.

7.3. Impact on Visual and Residential Amenities

7.4. Concerns are raised in relation to overlooking, overbearing impacts, unsuitable design for the location, and inadequate quality of rear garden space for the intended occupants.

7.5. In relation to overlooking, I am of the view that the development has been carefully designed to address the issue of overlooking. The first floor windows of the master bedroom are not directly overlooking any other property and I note that mitigation measures are proposed in the form of vertical latts in front of the work area proposed. In addition, I note that obscure glazing is proposed for an en-suite window at first floor level. As such, I am satisfied the proposed development would not unduly overlook any other property in the vicinity of the site.

7.6. I would share the concerns of the Planning Authority in relation to overbearing impacts and design. The planning report considers that the proposed development would be visible from the laneways on both sides of the site and would be visually incongruous and overly dominant.

7.7. A number of 3D rendered images have been submitted with the application which may be useful for the Board. In particular, I refer the Board to the view from the rear of the site where both laneways meet. In my view, the laneways are well used in normal times and represent a substantial shortcut to the nearby Dart station. I do not concur with the appeal which states that the laneways are not heavily used and are not considered to be particularly sensitive receptors.

7.8. There is little variation in the design of houses in the existing estate and the proposed development would represent an incongruous feature in my view. I would have concerns in relation to the overbearing impact of the proposed development on No. 1 Marlborough Court which is located in very close proximity to the site on the other side of the laneway. I note that this property has a large patio door at ground

floor level serving a main habitable room with access to open space from this door. As such, I consider that the proposed development would have an overbearing impact on this property and would detract from the residential amenities of this property contrary to Section 8.2.3.4 of the plan.

- 7.9. I consider that the proposed development has not been carefully thought out and I do not consider that it can be assimilated into the streetscape at this location. A larger site may have allowed for more variation in design, however the limited site size, the proximity to adjoining residences, the proximity to two laneways, and the openness of the site from the laneways is unforgiving in this regard.
- 7.10. I note that whilst the development complies with the private open space requirement set out in Section 8.2.8.4 in terms of quantity, the size and shape of the private open space is very restrictive as it tapers to 2.93m at the end and is very irregular in shape. As such, I am not satisfied that the proposed private open space is of adequate quality. In my view, this would lead to a poor quality of amenity for the intended occupants.
- 7.11. I am not satisfied that the design approach proposed is appropriate for this restricted and open site and consider that it would fail to integrate or be compatible with the design and scale of existing properties in the vicinity of the site and result in a discordant feature in the streetscape at this location. Furthermore, I consider that the proposed development would represent overdevelopment of a restricted site and would have an overbearing impact on No. 1 Marlborough Court. In addition, the proposed development would result in a substandard form of residential amenity for the future occupants by reason of the inadequate quality of private open space provision.
- 7.12. **Appropriate Assessment**
- 7.13. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission be refused for the following reason:

9.0 Reasons and Considerations

1. Having regard to the design and scale of the proposal and the proximity of the development to adjoining properties and laneways, it is considered that the proposed development would constitute overdevelopment of the site and would have an overbearing impact on the adjoining property at No. 1 Marlborough Court. The proposed development fails to integrate or be compatible with the design and scale of adjoining buildings and as a result would have an adverse impact on the character of the area. Furthermore, it is considered that the proposed development would result in a substandard form of development for future residents by reason of the substandard quality of private open space provision. The proposed development would be contrary to Section 8.2.3.4 of the current Dún Laoghaire-Rathdown County Development Plan in relation to additional accommodation in built-up areas, would seriously injure residential amenity, and would set an undesirable precedent for similar such development in the vicinity of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

26th May 2021