



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308998-20

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<b>Development</b>	Demolition of side extension and construction of a house.
<b>Location</b>	Side garden, No. 50 Allen Park Road, Stillorgan, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D20A/0461
<b>Applicant(s)</b>	Michelle Halpin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Fergal and Caroline Flood
<b>Observer(s)</b>	Carol Loscher and Andrew Cassidy
<b>Date of Site Inspection</b>	22 <sup>nd</sup> March 2021
<b>Inspector</b>	Emer Doyle

## **1.0 Site Location and Description**

- 1.1. The subject site is located near a sharp bend of the road in the Allen Park Road housing estate in Stillorgan, Co. Dublin. The site forms the side garden of an existing two storey dwelling at 50 Allen Park Road.
- 1.2. The existing development on site comprises of a semi-detached dwelling. The general character of the area is low density and suburban. No. 48 to the west of the site has previously been extended to the front and this has altered the existing building line in the area.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the demolition of part of an existing house, and the construction of a two storey detached dwelling. The proposed dwelling has a stated area of 98m<sup>2</sup> and comprises of 2 No. bedrooms. A new vehicular access is proposed.
- 2.2. Further Information was submitted to the Planning Authority dated the 5<sup>th</sup> of November 2020 which included the following:
  - Shadow cast diagrams.
  - Details of boundary treatment.
  - Revision of first floor plan to align with front extension of No. 48 Allen Park Road and with the gable end of No. 52 Allen Park Road.
  - Drainage Report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted by the Planning Authority subject to 13 No. Conditions.

Condition No. 3 required that that the developer would need to apply for planning permission for normally exempted development under Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Condition 4 required the roof area shall not be used as a balcony, roof (terrace) garden or similar amenity area.

Condition 6 required that the proposed front boundary shall be no more than 1.1m.

All other conditions are of a standard nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The first planning report dated 25/08/20 expressed concern in relation to the front building line and considered that the first floor building line should be set back so that it does not project beyond the ground floor extension to the front of No. 48 Allen Park Road or the gable of No. 52 Allen Park Road.
- The second planning report dated 30/11/20 considered that the revised details submitted were acceptable and recommended permission subject to conditions.

#### 3.2.2. Other Technical Reports

**Drainage Department:** The first report dated 10/08/20 required Further Information. The second report dated 18/11/20 recommended permission subject to one condition.

**Transportation Department:** No objection subject to condition.

### 3.3. Prescribed Bodies

**Irish Water:** No objection subject to condition.

### 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

### **PA Reg. Ref. D99B/1063**

Permission granted for demolition of garage and construction of two storey extension.

### **V045/20 - Part V Certificate of Exemption**

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

## 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**

6.1.1. The grounds of appeal can be summarised as follows:

- Concerns regarding incorrect mapping and visual impact.
- Concerns regarding bedroom size and storage size.
- Concerns regarding inadequate private open space.
- Concerns regarding inadequate drainage proposals.

### 6.2. **Applicant Response**

6.2.1. The response submitted by the applicant can be summarised as follows:

- The contemporary design does not seek to mimic the existing row of houses.
- There is no basis to the claim that the submitted drawings are inaccurate.
- The private open space of 48m<sup>2</sup> complies with Development Plan standards.

- There was a minor anomaly in the shadow drawings submitted to the planning authority. This has been corrected in revised drawings submitted with the appeal response.
- There is no basis for the concern that the drainage proposals are inadequate.

### 6.3. **Planning Authority Response**

- 6.3.1. The Board is referred to the 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.

### 6.4. **Observations**

- 6.4.1. One observation has been submitted which can be summarised as follows:
- Concern regarding loss of light to Nos. 52-68 Allen Park Road.
  - Concern regarding visual impact.
  - Concern regarding opening up of a new access at this location.
  - It is considered that the proposed development does not comply with Section 8.2.3.4(V) of the Development Plan.

## 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. The proposed development is located adjacent to a sharp bend in the road within the Allen Park Road housing estate and would front onto the main access road to this estate. The site is irregular in shape due to the location on a bend in the road and is roughly triangular with the wider part fronting the road.
- 7.2.2. The main issues 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. The planner's report considered that the ground floor building line was acceptable but considered that the first floor building line would project too far beyond the front building line.
- 7.2.4. Revised drawings were submitted to the Planning Authority dated the 5<sup>th</sup> day of November 2020 which provide for a set back of the first floor building line so that it does not project beyond the gable of No. 52 Allen Park and the front building line of No. 48 Allen Park.
- 7.2.5. I note that the third party appeal states that the applicant has determined the line of the gable from the OS Map which is incorrect. A map has been included in the appeal which indicates the actual line of the gable outlined in green. The appeal expresses concern that by using the correct building line, there could be knock on effects for the whole layout of the first floor in terms of room sizes and in terms of private open space.
- 7.2.6. The design proposed is modern and different to existing development in the area. However, I am satisfied that it is of high quality and that it is suitable for the site at this location.
- 7.2.7. I have examined the site layout proposed and the layout on the ground on the site inspection. I note that the Planning Authority had asked the applicant to match the front building line of the first floor with the adjacent site to the west (No. 48) which was previously extended to the front, and No. 52. I note that there is a small discrepancy between these two building lines and as such the applicant cannot match both. In visual terms, it would make minimal difference which building line the

applicant matches as there is no strict building line at this location. I note that No. 52 Allen Park Road has also been extended in the past. I consider that in the interests of clarity, should the Board be minded to grant permission, a condition should be included requiring the applicant to match the first floor with the building line of No. 48 Allen Park Road. Whilst the appellant has expressed concern in relation to the knock on impacts of the building line on the rear garden size and on room sizes, I am satisfied that the house proposed generally complies with the standards set out for corner/side garden sites in the Development Plan.

- 7.2.8. The planner's report states the following: 'Whilst the proposed house has a contemporary design that deviates from the design of the more conventional houses on the road, the application site is of sufficient size and suitably located (at the end of a row of semi-detached houses) to accommodate a more modern insertion in the streetscape.'
- 7.2.9. I concur with the planner's report in this regard. Whilst there is some visual variation in the streetscape and some variation in the building line, I consider that the scale, design, and building line of the house proposed is appropriate at this location. 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. The observation submitted considers that the shadow mapping fails to account for the impact on the setting sun on the rear facing gardens of No. 52 to 68 Allen Park Road.
- 7.3.2. I note that Nos. 52 to 68 relates to the line of houses on the main Allen Park Road access road at this location. Shadow Analysis drawings were submitted in response to a Further Information Request. The drawings showed that the shadow analysis for 5pm on the 21<sup>st</sup> of March was the same as that for 1pm on the 21<sup>st</sup> of March. The response to the appeal by the applicant notes that this was a drafting error. A revised drawing was submitted with the appeal response.



- 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 note that whilst there would be some overshadowing on the rear garden of No. 52 from 3 pm onwards, it is not significant.
- 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 overshadowing.

#### 7.4. **Other Matters**

##### 7.4.1. Private Open Space

I note that the area of open space stated is 48m<sup>2</sup> which complies with the Development Plan requirements for private open space. Whilst the triangular shape which narrows to a point at the end is less than ideal, I am satisfied that there this is a common occurrence with the subdivision of corner sites. I consider that the private open space proposed is adequate in quality and quantity and will provide an adequate level of amenity to the intended occupants.

##### 7.4.2. Drainage

I note that it is proposed to provide a shallow attenuation area to the front of the dwelling as a means to address surface water discharge.

The response to the Further Information Request included a report from Loscher Moran Consulting Engineers in relation to drainage. Section 3.3 stated that 'boundary conditions mean that it is not possible to construct a soakway which is 5m from any foundation and 3m from any boundary' and proposed a shallow attenuation area to the front of the dwelling instead.

The Drainage Section of the Planning Authority recommended permission for same subject to a condition. I consider that the shallow attenuation proposed is acceptable in these circumstances and have no objection to same.

## **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. The front building line of the first floor of the proposed development shall match that of the extended dwelling at No. 48 Allen Park Road.

**Reason:** In the interest of clarity and visual amenity.

3. 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.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. 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.

7. (a) The width of the proposed new vehicular entrance shall be a maximum of 3.5 metres and 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 public safety and residential amenity.

8. 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.

9. 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.

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Emer Doyle  
Planning Inspector  
20<sup>th</sup> May 2021