



An
Bord
Pleanála

Inspector's Report ABP 309312-21.

Development	Demolition of existing garages to No. 63 and No. 65 and construction of 2 No. three bedroom two-storey semi-detached houses.
Location	No. 63 and no. 65 Coolnevaun, Stillorgan, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D20A/0678
Applicants	Carina Kelly, Eamon Peregrine & Martha Feely
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Brendan & Maura O'Caoimh
Observers	None
Date of Site Inspection	29 th of May 2021
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site is located in the residential suburb of Stillorgan in South Co. Dublin. It is situated within the Coolnevaun housing estate and lies circa 900m to the south-west of the Stillorgan Village Centre.
- 1.2. The appeal site has a stated area of 0.1149 hectares. It comprises the plot of no. 65 Coolnevaun and the side garden on the eastern side of no. 63 Coolnevin. These are semi-detached two-storey dwellings which have not been previously extended. The surrounding properties are of similar design.
- 1.3. The existing properties contain adjoining single storey garages located to the side of each dwelling. The two properties no. 63 and no. 65 are served by relatively large rear gardens. The rear garden of no. 63 has a length from the rear of the dwelling to the boundary of the properties to the east on Allen Park Road of between 27m and 31m. The site boundaries are defined by block walls with mature hedging and shrub planting. The rear garden of no. 65 has a length of 20m from the rear of the dwelling to the boundary of the properties to the east on Allen Park Road. The rear boundaries are formed by block walls with mature trees and coniferous hedging.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of existing garages (to No. 63 and No. 65), outhouse (to No. 65), boundary walls and the construction of 2 No. three bedroom two storey semi-detached houses (130sq m and 134sq m) in the side gardens of the existing houses, new shared entrance and driveway, new boundary walls and the relocation of the existing entrance to No. 65 Coolnevaun.

3.0 Planning Authority Decision

3.1. Decision

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 16/11/20: Further information was requested in relation to the following matters;
 - (1) Submit correctly titled elevations drawings of the proposed dwellings.
 - (2) The proposed first-floor bedroom windows and areas of glazing to the rear of the house would give rise to overlooking and perceived overlooking impacts on adjoining properties. Submit revised drawings and details including floor plans indicating increased separation distances or mitigation measures, in order to address this issue.
 - (3) Submit landscape proposals for the shared boundaries of the site which include tree planting. Landscaping proposals should include detailed planting plan and schedules stating species/varieties, quantities, size, rootball presentation and spacings.
 - (4) Submit drawings showing existing and proposed drainage arrangements for house no's 63, 63a, 65 and 65a and other relevant information that provides for the separation of foul and surface water drainage. Submit proposals showing driveway, car parking and hardstanding areas of each of the proposed houses designed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems.
- Report dated 11/1/21: Following the submission of a response to the further information request the Planning Authority were satisfied with the details and revised plans provide and permission was recommended.

3.2.2. Other Technical Reports

Transportation Planning – Report dated 11/11/2020 – Further information was requested in relation to the submission of drawings indicating 4 no. independently accessible off-street car parking spaces.

Drainage Planning – Report dated 14/12/2020 – No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. Irish Water – Report dated 31/10/2020 – Further information requested in relation to the submission of drawings showing the existing and proposed drainage arrangements for house no's 63, 63a, 65 and 65a and other relevant information that provides for the separation of foul and surface water drainage.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received five submissions/observations in relation to the application. The main issues raised referred to overlooking, overshadowing, overbearing impact, over development of the site, negative impact upon the character of the area, impact from proposed soakaways, development would result the loss of trees and would increase traffic and parking on Coolnevaun.

4.0 Planning History

PA Reg. Ref. D02A/0866 – Permission was refused for a detached 2 storey house at the gable and rear of no. 65 Coolnevaun. Permission was refused for two reasons which referred to overshadowing of the adjoining property and that the design was out of character with the existing properties.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. 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'.
- 5.1.2. 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."
- 5.1.3. 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.

- 5.1.4. 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 nearest Natura 2000 sites are South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA located c. 1.6km to the north east of the site.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. 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**

A third party appeal was submitted by O’Caoimh & Associates on behalf of Brendan & Maura O’Caoimh. The issues raised are as follows;

- It is stated that the planning advertisement submitted with the application did not adequately describe the proposed development. It is contended that the planning advertisement does not meet the required standard. The notice stated that the two proposed houses are to be located in the side gardens of no’s 63 and 65. The appeal included a copy of a Site Layout Drawing indicating the location of the proposed dwellings and gardens of the two existing properties. It is submitted that the proposed dwellings would be located in the rear gardens of the properties and that the application should have been invalidated.

- The proposed development represents a very large two-storey building mass being located in close proximity of the appellant's house. One proposed dwelling would be located within 5m of the boundary wall of no. 41 Allen Park Road.
- It is considered that a large amount of rear facing glazing at ground and first floor level would cause overlooking of the appellant's rear garden. It is stated that it would have a negative impact upon the existing amenities of no. 39 and no. 41 Allen Park Road.
- The proposed design of the dwellings is considered entirely out of character with the design of the surrounding properties.
- The proposed development would result in a large amount of existing planting being removed. The submitted drawings indicate that almost all the existing planting along the boundary with the properties at Allen Park Road would be removed.
- It is requested that permission be refused for the reasons set out in the appeal.

6.2. Applicant Response

A response to the third party appeal has been submitted by Eamon Peregrine Architect on behalf of the applicants Carina Kelly, Eamon Peregrine & Martha Feely. The issues raised are as follows;

- Regarding the issue raised in the appeal that the planning advertisement does not meet the required standard, it was noted that this was raised in the submission to the Planning Authority. The Planning Officer in addressing the matter in their report considered that the description is not so misleading as to warrant the invalidation of the application.
- In relation to the proposed siting of the development, it is submitted that the proposed houses have been carefully designed and positioned on site to minimise the visual impact on the adjoining dwellings. It is noted that the dwellings would appear as single storey to the side. The section of the proposed dwelling which would have been located 5m from the boundary was

a single storey element to no. 65a was omitted as part of the revised design submitted in response to the further information request. It is noted that the correct distances to the boundary from the rear of the dwellings range from 6m to 13m. The 6m distance is from just one point on the building. The appeal raises concern at the mass of the building in close proximity to the appellant's dwelling. It is noted that the closest point between the proposed dwelling no. 63a and the appellant's dwelling is 26m. This is in excess of the 22m specified in the Development Plan as required separation distance between opposing first floor windows. It is noted that the impact on the surrounding houses and gardens has been assessed in the sunlight, daylight and shadow assessment submitted as part of the application and at further information stage.

- Regarding the issue of overlooking, this matter was also raised in the submission on the application. The revisions to the proposed design as part of the further information have greatly reduced the amount of glazing to the side and rear elevations. There is one area of glazing 2.9m wide and 2.2m high at ground floor level which faces the rear façade of no. 37 Allen Park which is 28.5m away. The window would be 12-21m from the boundary of no. 37 Allen Park. At first floor level there is a triangular area of glazing serving a bedroom and double height space to ground floor. This glazing is located 27.5m from the rear façade of no. 37 Allen Park and 12-20m from the boundary with no. 37 Allen Park. As part of the further information response this window is proposed with vertical timber screening. It is submitted that it is not possible to overlook the rear garden of no. 37 Allen Park from the ground floor of the proposed dwelling no. 63a and it is noted that the first floor windows facing the rear of no. 37 Allen Park are located over 22m from opposing first floor windows as required under the Development Plan. It is noted that the owners of no's 39,41 and 43 Allen Park did not appeal the decision.
- Regarding the design of the proposed dwellings, it is submitted that the scheme has been carefully considered with design and finishes proposed which would integrate with the existing surrounding properties. This includes the use of concrete tiled pitched roofs and rendered walls.
- The appeal referred to the development entailing the removal of large amounts of existing boundary, it is noted that this matter was raised in the

submission on the application. The Planning Authority in their assessment of the proposal requested as part of the further information that a detailed landscape plan be submitted. The existing planting comprises hedging and bushes which was omitted from the original drawings for clarity. As detailed on 'Drawing No. 1905-A-02 – existing planting to boundary' no existing planting is required to be removed to facilitate the construction of the proposed dwellings.

- It is submitted that the proposal provides two sensitively designed infill houses on relatively large, underused sites which is in compliance with the Development Plan and national planning policy.
- It is requested that the Board uphold the decision of the Planning Authority and grant permission.

6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

6.4. Further Responses

- A further submission was received by the Board on the 12th of April 2021 from O'Caoimh & Associates on behalf of the appellants Brendan & Maura O'Caoimh. The content of the submission reiterates the issues raised in the appeal.

7.0 Assessment

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:

- Design and impact on residential amenity
- Other issues

- Appropriate Assessment

7.1. Design and impact on residential amenity

- 7.1.1. The grounds of appeal raise concern in relation to the design of the proposed dwellings and also impacts upon residential amenity. Section 8.2.3.4 (vii) of the Development Plan which refers to infill development sites it states that new development shall respect the height and massing of existing residential units and that the development shall retain the physical character of the area including features such as boundary walls, pillars, gates, trees and landscaping.
- 7.1.2. Regarding the siting of the proposed scheme, the subject properties no. 63 and no. 65 Coolnevaun are served by large rear gardens. Both of which include relatively large sections of side garden. The proposed dwellings are sited to the side and rear of the existing dwellings. Having regard to the site configuration with a narrower frontage it is necessary to site to proposed dwellings to the rear of the existing properties. Having regard to the remaining rear garden areas available to both existing properties, I consider that this proposed siting of the dwellings would be acceptable subject to there being no undue overlooking impact upon surrounding properties.
- 7.1.3. In relation to the design of the proposed dwellings, I note that they will be set back from the front boundary by circa 19m and the front of the properties would be roughly in line with the rear of no. 63 and no. 65. In terms of the design character the proposed scheme, it comprises two semi-detached dwellings which are two-storey. The ridge height of no. 63a is 7.05m and the ridge height of no. 65a is 6.76. I note that the ridge height of the existing dwellings is circa 9m. The dwellings feature a gable frontage with a relatively low pitched roof. The external finishes include concrete tiled pitched roofs and rendered walls which would match the existing development. In terms of the siting and design of the proposed dwellings within the streetscape, having regard to the setback and the proposed lower roof ridge heights relative to the existing properties, I consider that the properties will integrate well into the streetscape.
- 7.1.4. In relation to the appearance of the rear elevation of the proposed development, I note that these also features a gable design. The maximum ridge height of the roofs

are 6.7m. The rear elevations contain a minimal amount of glazing at first floor with vertical timber louvres proposed to a bedroom window within no. 63a and to a high level window serving the living room of no. 65a. The appellants had concern regarding the mass of the proposed dwellings. I consider, having regard to the height and design of the proposed dwellings that the mass of the proposed development would not be excessive. Accordingly, I am of the opinion that the proposed dwellings would not unduly impact upon the visual amenity and the design character of the area.

- 7.1.5. The appellants have raised concern regarding the proximity of the proposed dwellings to their property and other neighbouring properties at Allen Park Road. The appeal refers to potential impacts from overlooking. I note that the Planning Authority in their assessment of the proposed scheme raised the matter of overlooking from first floor rear windows and also other glazing to the rear of the dwellings. As part of the further information request, they sought that the applicants submit revised plans and measures to address the matter.
- 7.1.6. In relation to the separation distances provided between the proposed dwellings and the appellant's dwelling at no. 37 Allen Park Road, I note that a minimum separation distance of circa 26m is provided between the rear of no. 63a and that a minimum separation distance of 27m is provided from the rear of no. 65a. In relation to the other closest neighbouring properties on Allen Park Road, a separation distance of 23m is provided between rear of no. 63a and no. 39 Allen Park Road and 22m is provided between the rear of no. 65a and no. 39 Allen Park Road. Similarly, a separation distance of 22m and over is provided between the rear of the proposed dwellings and the rear of no. 41 Allen Park Road. Accordingly, I am satisfied that the proposed dwellings are sited 22m or more away from the rear of opposing dwellings which is in accordance with the requirement as set out in Section 8.2.3.4 (vi) of the Development Plan.
- 7.1.7. Regarding the matter of potential overlooking, I note that limited glazing is proposed to the rear elevation of the properties. Having regard to the siting, separation distances provided and existing mature planting I am satisfied that there would be no undue overlooking of existing properties from the glazing proposed at the ground level. In relation to the proposed first floor windows to the rear, I note that as part of the further information response this was revised with the omission of windows, the

reduction in the size of first floor windows and also the use of vertical timber screens. As detailed on Drawing No: 1905-PFI-03 in house no. 65a a narrow vertical window at high level is proposed to serve the bedroom and a high level window to serve the living features vertical timber screens. To house no. 63a the first floor window serving the bedroom and also providing light to the ground floor living room features vertical timber screens. I consider these revisions to the first floor fenestration will ensure that no undue overlooking of neighbouring properties would occur.

7.1.8. Accordingly, I consider having regard to the siting and design of the proposed dwellings and the separation distance provided relative to the neighbouring properties that there would not be any undue overlooking of neighbouring properties including that of the appellant's.

7.1.9. The appellants raised the issue that the proposed development would entail the removal of existing trees and planting. In response the this the first party have confirmed that as detailed on 'Drawing No. 1905-A-02 – existing planting to boundary' no existing planting is required to be removed to facilitate the development. Furthermore, I note that as part of the further information request the Planning Authority sought that the applicants to submit landscaping proposals. As detailed on the 'Landscape masterplan' it is proposed to retain the existing boundary planting which includes Silver Birch (*Betula pendula*), Birch Bark Cherry (*Prunus serrulate*) and Spindle tree (*Euonymus planipes*).

7.2. **Other issues**

Validity of application

7.2.1. The appeal refers to matters concerning the validity of the application in respect of the description of the development on the public notices. The appellants stated that the notices did not refer to the dwellings being located to the rear of the existing dwellings but to the side of the properties. I note that the planning application submitted to the Council was deemed valid. Furthermore, I note that the Planning Officer in their report addressed the matter and considered that while the proposed dwellings would be located within the rear gardens of no. 63 and no. 65 they would also be located to the side of the properties. Therefore, the Planning Officer concluded that the description of the proposed development provided on the public

notices was not so misleading to warrant the invalidation of the application. I would concur with this assessment of the Planning Officer.

7.3. Appropriate Assessment

- 7.3.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, the location of the site in a serviced suburban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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. I recommend a grant of planning permission.

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 on the 7th day 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the surface water drainage system in compliance with Sustainable Urban Drainage measures (SUDS) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0800 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.

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, traffic management measures and off-site disposal of construction/demolition waste.

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

7. 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.

Reason: In the interest of orderly development and the visual amenities of the area.

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 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.

Siobhan Carroll
Planning Inspector

11th of June 2021