



An
Bord
Pleanála

Inspector's Report ABP-309692-21

Development	Detached dormer house with two bedrooms at first floor level and all associated site works.
Location	10 St Mark's Drive, Rowlagh, Clondalkin, Dublin 22.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0351
Applicant(s)	John & Margaret Carter
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Date of Site Inspection	29 th May 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site on a stated area of 0.0195 hectares, comprises of the side/ north eastern/ northern part of the garden of no. 10 St Mark's Drive, Rowlagh, Clondalkin, Dublin 22. St Mark's Drive is located to the west of Neilstown Road to the northern side of Clondalkin, south of the Coldcut Road. The area is characterised by a mix of semi-detached and terraced two-storey houses.
- 1.2. No. 10 is located on a corner junction site, St Mark's Drive to the east and St Marks Green to the north. No.10 is the northern most/ end unit in a terrace of six houses. The footpath is relatively wide on the corner, probably to reduce road speeds at this point. The site is part of the front/ side garden of the house and the boundary consists of walls. The site was under grass on the day of the site visit.
- 1.3. The area is characterised by relatively wide roads, wide concrete footpaths, and very little vegetation; no street trees or grass verges were evident in the area. There are a number of large mature trees in the area which are distinctive, and one is located in the front garden of no. 1 St Mark's Green to the south west of the subject site.

2.0 Proposed Development

The development consists of the following:

- The provision of a two-storey detached dormer house in the side/ front garden of no. 10 St Mark's Drive. The house to provide for two-bedrooms (three persons) at first floor and has a stated floor area of 103 sq m.
- Provision is indicated for two car parking spaces to the front of the house.
- 60 sq m of private amenity space will be allocated to the side/ front.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission subject to two reasons as follows:

'1. Having regard to (a),(b) and (c) below, the proposed development would contravene the South Dublin County Development Plan 2016-2022 (Section 11.3.2 (ii) Corner/Side Garden Sites and the zoning objective for the area which seeks 'to protect/and or improve residential amenity') would seriously injure the amenity of property in the vicinity and would contravene the proper planning and sustainable development of the area (a) by reason of its height and proximity to the western site boundary with the immediate neighbour to the west the proposed development would be overbearing, dominant and obtrusive when viewed from the front/side garden of the immediate neighbour to the west. (b) The layout and depth of the private open space behind the front building line for the proposed dwelling would have limited function and would result in a poor standard of residential amenity for the occupants and would not comply with council requirements for private open space as set out in the South Dublin County Council Development Plan 2016-2022 Section, 11.3.1 Residential (iv) Dwelling Standards, (Table 11.20: Minimum Space Standards for Houses). The private open space proposed would be contrary to the Development Plan zoning 'RES' objective 'to protect and/or improve residential amenity'. (c) The proposal would be likely to significantly impede and prejudice development of the site to the west.

2. Having regard to the lack of information submitted in relation to Surface Water Drainage and Irish Water requirements, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and is not in the interests of the proper planning and sustainable development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer's report reflects the decision to refuse permission for the development as described. The Planning Authority Case Officer reports that the development is consistent with the 'RES' zoning objective but insufficient open space is provided, what is proposed is to the front/ side of the house and not to the rear. The Planning Authority Case Officer refers to concern regarding the impact on no. 7 St Mark's Green, I assume that this is a typographical mistake, and the adverse impact is to no. 1 St Mark's Green in terms of overbearing

and loss of residential amenity. The proposed house will provide for dual frontage aspects addressing the street to the north and east. Refusal was also recommended due to the lack of information in relation to surface water drainage.

3.2.2. **Other Technical Reports**

Water Services Planning Report:

Surface Water: Further information requested in relation to the provision of suitable surface water drainage measures to serve this site.

Flood Risk: No objection.

Environmental Health: No objection subject to conditions in relation to construction hours, noise control, emissions, and control of dust.

Roads Department: No objection subject to conditions in relation to the width of driveway, to demonstrate no impact to a speed control ramp (front of site on St Mark's Drive) and boundary wall details.

3.2.3. **Prescribed Bodies Reports**

Irish Water: Further information is requested in relation to water supply and foul drainage.

3.2.4. **Objections/ Observations**

None.

4.0 **Planning History**

None on the subject site.

5.0 **Policy and Context**

5.1. **Development Plan**

- 5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – ‘To protect and/ or improve residential amenity’. Residential development of the nature proposed is acceptable in principle on such zoned lands.

5.1.2. The Planning Authority Case Officer has provided a long list of relevant policies and objectives from the South Dublin County Development Plan 2016 - 2022, I won't repeat them all here just the most relevant.

5.1.3. Section 2.4.0 refers to 'Residential Consolidation – Infill, Backland, Subdivision & Corner Sites'

'HOUSING (H) Policy 17 Residential Consolidation

It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 3: To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.

H17 Objective 5: To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

H17 Objective 6: To support the subdivision of houses in suburban areas that are characterised by exceptionally large houses on relatively extensive sites where population levels are generally falling and which are well served by public transport, subject to the protection of existing residential amenity'.

Section 11.3.2 refers to 'RESIDENTIAL CONSOLIDATION'

'(ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain’.

5.2. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicants have appealed the decision of South Dublin County Council to refuse permission for the provision of a detached house on the site to the north of no.10 St Mark’s Drive.

The grounds of appeal are summarised as follows:

- Consider that the proposal is not overbearing/ dominant/ obtrusive on the house to the west of the site as there is 15 metres between the boundary and the gable of the neighbouring house, in addition to a large mature tree.
- The applicants are proposing ‘a bungalow not a two story house’.
- There is more than ample open space provided.
- The development does not impede the development potential of the lands to the west – such potential is unknown.

- Some additional details are proposed in relation to foul drainage and surface water drainage. Revised plans are provided in support of the appeal.
- The applicants wish to downsize from their current house. Some additional photographs have been submitted in support of the appeal.

Request that the decision to refuse permission be overturned.

6.2. **Planning Authority Response**

None received.

7.0 **Assessment**

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

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

7.2. **Nature of Development**

7.2.1. The subject site is located in an area zoned 'RES' and the principle of development is therefore acceptable. The South Dublin County Development Plan promotes the development of corner sites where it can be demonstrated that all standards can be met, whilst ensuring the protection of existing residential amenity.

7.2.2. I have had full regard to the Planning Authority report/ decision and the details provided in support of the appeal.

7.3. **Design and Impact on the Character of the Area**

7.3.1. No. 10 St Mark's Drive is provided with an extensive area of private amenity space to the side and rear; however, the location/ layout of this space does not allow for the easy provision of a detached house on this site. The rear/ western boundary of this space aligns with the rear elevation of the existing house; therefore, it is not possible to provide for a suitable area of private amenity space, this is addressed further in

this report. Section 11.3.2 (ii) of the South Dublin County Development Plan 2016 – 2022 promotes such development but I do not consider the site to be suitable for such development.

- 7.3.2. The existing houses in the area are of a non-descript design with a dash finish and an excessive solid to void ratio. The proposed development would result in a disimprovement of the current situation. The applicants have proposed a dormer type house that is nearly twice the width of the existing houses in the area and has had no regard to the existing form and pattern of development. Whatever opportunity there is to develop this site, the proposal as submitted does not achieve this. I am unsure as to why a dormer type house was proposed as this type of house is not a feature of the area. Either a two-storey or single-storey house should have been proposed for this site.
- 7.3.3. I note the Planning Authority report regarding impact on building lines and I accept that the separation between the proposed house and no. 1 St Mark's Green should be sufficient to ensure that building lines are not negatively impacted upon. I do not foresee any issue regarding overbearing having regard to these separation distances and the extensive amount of garden available to no. 1 St Mark's Green should ensure no impact in that regard. The attached houses to the subject unit are not impacted by the development in terms of the breaking of building lines/ overbearing etc.
- 7.3.4. The Planning Authority seem to be satisfied with the dual frontage aspect of this house. I would suggest that a much better attempt at dual aspect could be provided here. The side elevation consists of a ground floor patio type door/ window. This is not the best example of what dual aspect means and at a minimum I would suggest that windows at first floor level be provided on the west/ north west elevation to ensure a strong elevational treatment and to relieve the very blank façade as submitted to the Planning Authority. Passive surveillance of the street to the north is not achieved by the design as submitted.
- 7.3.5. In conclusion, I would have serious concerns about the quality of the design of the proposed house. Very little effort has been made in providing a house on this site that enhances this prominent corner junction site. As already reported, the site does not lend itself to such a development.

7.4. Impact on Residential Amenity

- 7.4.1. The proposed house has a stated floor area of 103 sq m, which is extensive for a two bedroom/ three-person house. The proposal includes a large habitable floor area, and a large storage area is provided at first floor level. I note that floor to ceiling heights meet minimum standards, but a revised design would have attempted to exceed these minimums, considering that primary daylight and sunlight to the house only penetrates from a north east aspect.
- 7.4.2. I do not foresee that the extension gives rise to significantly increased overshadowing of adjoining properties, leading to a loss of daylight/ sunlight. Any loss of sunlight will be early in the morning and for only a short period of time.
- 7.4.3. The design of the house is such that overlooking of the houses to the west/ south west is not possible due to the lack of windows to the rear at first floor level. The only upper-level windows face onto the public street to the east – St Mark’s Drive.
- 7.4.4. I have commented on the unsuitability of this site for a new house. The rear of the house will abut the rear boundary/ adjoining boundary with no. 1 St Mark’s Green, and it is not therefore possible to provide for suitable private amenity space in terms of quality of open space. The applicants have indicated that 60 sq m of open space can be provided but this is located to the front/ side of the house and will not be private unless a significantly larger boundary wall is provided, which in itself would have a negative impact on the visual amenity of the area and would reduce the amenity value of this open space.

7.5. Other Issues

- 7.5.1. The Water Services Planning and Irish Water reports are noted. The information submitted in support of the appeal does not address all of the raised issues. I note the separation distance between the proposed house and the back of the footpath, and it should be possible to provide a house here without impacting on existing services under the footpath. It should be possible to provide adequate information to the satisfaction of Irish Water and the Water Services section of South Dublin County Council. I appreciate the waste of time/ money that a further information request would have been when the other fundamental issues as raised cannot be addressed.

- 7.5.2. The Transportation report is noted, and it should be possible to provide for suitable car parking without impacting on the speed ramp to the front of the site and meeting all necessary requirements.
- 7.5.3. The justification for the proposed development is noted. There have been numerous such developments in the South Dublin County area, however the orientation/ layout of the site as presented does not allow for such development. The house as proposed is not a bungalow as suggested in the appeal, though that is a minor issue as the biggest issue remains the suitable positioning of any house on this site, whilst ensuring that open space can be provided. The failure to meet these requirements means that overdevelopment of a restricted site is proposed.

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 a 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 a European site.

8.0 Recommendation

- 8.1. I recommend that permission for this development be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the restricted nature and prominent location of this corner site and the established pattern of development in the surrounding neighbourhood, it is considered that the proposed development by reason of its scale, form and dormer design would constitute overdevelopment of a limited site area, would result in inadequate open space and would be visually obtrusive on the streetscape and out of character with development in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and

would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominent location of the site, to the established built form and character of St Mark's Drive and Green, it is considered that the proposed development, consisting of a detached dormer type house in an area of two storey semi-detached/ terraced houses, would be incongruous in terms of its design, which would be out of character with the streetscape, would not provide for a dual frontage aspect as promoted by the South Dublin County Development Plan 2016 – 2022, and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

29th May 2021